

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10000 of 2014

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1. Arun Kumar Singh Son of Yugeshwar Singh.
 2. Rajeshwar Singh Son of Late Kameshwari Singh.
Both resident of Village - Berhana Saidpur, Police Station - Barh, District – Patna.

.... Petitioner/s

Versus

1. The Chairman, Power Grid Corporation Limited, 5th Floor, Alankar Palace, Boring Road, Patna.
2. The Managing Director, Power Grid Corporation Limited, 5th Floor, Alankar Palace, Boring Road, Patna.
3. The Assistant Manager, Power Grid Corporation Limited, 5th Floor, Alankar Palace, Boring Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Advocate
For the Power Grid Corporation	:	Mr. J. P. Singh, Sr. Advocate
		Mr. Arbind Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-02-2017

Heard learned counsel for the parties.

The petitioners had moved the Court for a direction
to the respondents not to install electric tower on their land.

Learned counsel for the petitioners submitted that the
land on which the respondents, at the relevant time, proposed to
construct the electric tower was their private land and without the due
process of law, either acquiring the land or paying compensation,
forcing them to move the Court. However, learned counsel submitted
that a cheque was given in the name of the father of the petitioner no.
1 but the fact remains that without the consent of the petitioners, their



land have been used and tower erected. Learned counsel submitted that the area of land used for erecting the tower is part of a larger chunk of land owned by the petitioner no. 1 and he is ready to accommodate such construction but at a slightly different location, in the same plot, which would facilitate both the petitioners and also the National Highways Authority of India for construction of a road. Learned counsel submitted that the said fact has not been taken into consideration by the authorities.

Learned counsel for the respondents submitted that the construction having been made, the same cannot be undone and further under law, the only remedy available is a petition under Section 16(3) of the Indian Telegraph Act, 1885 by filing an application before the District Judge of the concerned District for any enhancement of the compensation amount. He further submitted that the line has also been energized on 25.05.2015 and thus, the procedure having reached its finality, any change is neither practical nor in public interest and much less required under law.

Having considered the matter, in the opinion of the Court, no interference can be made on the judicial side as it is totally subjective decision of the authorities concerned who are to take a call with regard to the viability of the land on which the tower is proposed to be constructed and also keeping in mind the shortest possible



alignment to save the cost.

Be that as it may, the writ petition stands disposed off with liberty to the petitioners to file an appropriate representation before the respondent no. 2 with any proposal which may have with regard to shifting of the pole from the present location to the adjacent location, within their plot. If such a representation is filed within four weeks from today along with a copy of this order, the respondent no. 2 shall consider the same in accordance with law, keeping in mind the factual and legal position and the overall spirit of the scheme for which the line has been laid. It is clarified that the Court has not expressed any opinion on the merit of the matter.

(Ahsanuddin Amanullah, J.)

P. Kumar

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