

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1791 of 2011
In
Civil Writ Jurisdiction Case No.11195 of 2010

1. The Power Grid Corporation of India Ltd. Through its Managing Directors, Having Office at Alankar Place, Boring Road, Patna
2. The Managing Director, Power Grid Corporation of India Ltd., Having Office at Alankar Place, Boring Road, Patna
3. The Executive Director, Power Grid Corporation of India Ltd., Alankar Place, Boring Road, Patna

... .. Appellant/s

Versus

1. Madan Mohan Lal Das, S/o Late Gangadhar Lal Das, R/o Village- Prem Jiwar, P.S.- Bahadurpur (Laheriasarai), Distt.- Darbhanga
2. The Chief Engineer, Kamain Engineering Corporation, Ram Dayalu Nagar, Muzaffarpur, Bihar
3. The District Magistrate, Darbhanga
4. The Superintendent of Police, Darbhanga

... .. Respondent/s

Letters Patent Appeal No. 1802 of 2011
In
Civil Writ Jurisdiction Case No.3996 of 2010

1. Power Grid Corporation of India Ltd. (PGCIL), Through it's Managing Director, B-9, Kutub Industrial Area, Katwaria Sarai, New Delhi-110016.
2. Executive Director, Power Grid Corporation of India Ltd., 5th and 6th Floor Alankar Place Boring Road, Patna-800001.



3. General Manager, Power Grid Corporation of India Ltd., Eastern Region Headquarter, 5th And 6th Floor Alankar Place, Boring Road, Patna-800001.
4. Dy. General Manager, (PESM & SPIO) Eastern Region, Headquarters Power Grid Corporation of India Ltd., 5th and 6th Floor, Alankar Place, Boring Road, Patna-800001
5. Dy. General Manager, (TL) Power Grid Corporation of India Ltd., Powergrid, Gaya Sub- Station and Transmission System, C/o Sanjay Kumar, A.P. Colony, Near Gaya College, Gaya.

... .. Appellant/s

Versus

1. Shagufta Fatima, W/o Mohammad Ehsan Ullah, Resident of Village- Shahdeo Kahap, Police Station- Maghadh University, District- Gaya.
2. Union of India through Secretary, Ministry of Power, New Delhi.
3. Under Secretary, Government of India, Ministry of Power, New Delhi.

... .. Respondent/s

Appearance :

For the Appellants : Harendra Kumar Tiwary, Advocate
For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-09-2017

Seeking exception to an order passed by the learned Writ Court on 25.07.2011 in C.W.J.C. No.11195 of 2010, L.P.A. No.1791 of 2011 has been filed by the Power Grid Corporation of India. Similarly, L.P.A. No. 1802 of 2011 has been filed challenging the order identical in nature passed on the



same day in C.W.J.C. No. 3996 of 2010. In both the cases, the grievance of the writ-petitioners was that for the purpose of laying a transmission line, the Power Grid Corporation of India has encroached upon their land and while doing so, prior permission and consent has not been taken.

2. Considering the fact that this question has already been decided by a Bench of the Patna High Court in the case of **Ram Naresh Singh Vs. The Power Grid Corporation-2011 (2) PLJR 1030**, the writ petitions have been allowed and the directions have been issued and the Power Grid Corporation was restrained from proceeding any further with installation of electric transmission line on the land of the writ petitioners. Challenging the aforesaid order, the appeal in question has been filed and we find that in view of the fact that Civil Appeal No. 8342 of 2009 was pending before the Supreme Court on 19.12.2011 along with certain other cases, operation of the judgment rendered by the learned Writ Court was stayed and now from the second supplementary affidavit filed by the appellant we find that Hon'ble Supreme Court has decided Civil Appeal No. 10951 of 2016 (**The Power Grid Corporation of India Limited Vs. Century Textiles & Industries Limited & Ors.** and the said judgment is reported in **2017 (2) PLJR 152**



and in paragraph 27 of the aforesaid judgment with regard to Civil Appeal No. 8951 of 2011, which was an appeal filed by the Power Grid Corporation against the judgment rendered by this Court in the case of **Ram Naresh Singh**, the following principles have been laid down and the findings recorded :-

“27 CIVIL APPEAL NO. 8951
OF 2011

This appeal is filed by Power Grid in the case of Ram Naresh Singh. In this case, transmission lines are in District Sasaram in the State of Bihar. The complete work for laying down the transmission lines where 524 overhead towers have been erected by the Power Grid. Out of these, only 1 tower is located at the land belonging to Ram Naresh Singh. The dispute raised is with regard to quantum of compensation and as per the provisions of Section 16 of the Indian Telegraph Act, 1885, it is to be settled by the District Judge. Thus, for all the reasons given above in the case of Century Textiles & Industries Limited, this appeal of the Power Grid stands allowed and the judgment of the High Court is set aside.”

3. From the aforesaid, it is clear that the judgment rendered in the case of Ram Naresh Singh (supra) has been quashed by the Supreme Court and liberty has been granted to the petitioner therein to get the issue settled by approaching the District Judge as indicated therein. That being the order passed by the Supreme Court and once the learned



Writ Court has decided the writ petition in the light of the law laid down in the case of Ram Naresh Singh (supra), these appeals are also liable to be allowed, the order passed by the Writ Court quashed and the liberty granted to the respondents petitioners in the original writ petitions to take recourse to the remedy of approaching the District Judge as granted by the Supreme Court.

4. Accordingly, we allow these appeals, quash the orders dated 25.7.2011 passed in C.W.J.C. No. 11195 of 2010 and 3996 of 2010 and grant liberty to the petitioners therein to proceed in the matter as indicated hereinabove.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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