

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 519 of 2017**

- Ram Singh Dansena S/o Shri Gaya Ram Dansena, Aged About 62 Years
R/o Village & Post Sukhda, Tahsil & P/s. Dabhra, District Janjgir
Champa (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Energy Department,
Mahanadi Bhawan, Capital Complex, Mantralay, Naya Raipur, District
Raipur (Chhattisgarh)
2. Powergrid Corporation Of India Ltd. Office- Kutub Institutional Area,
Katwaria Saray, New Delhi.
3. Managing Director, Chhattisgarh State Electricity Production/
Transmission/ Distribution Company Maryadit, Danganiya, Raipur
(Chhattisgarh)
4. Executive Director, Power Grid Corporation Ltd., C. S. I. D. C.
Commercial Complex Ring Road No. 1, Mahadev Ghat Road, Raipur
(Chhattisgarh)
5. The Chief Engineer, Power Grid Corporation Of India Ltd., Lara Super
Thermal Power Station- 1- Raigarh (Kotra) Pooling Station 400 Kv D/c
Line (18km).
6. Collector, Janjgir Champa District Janjgir Champa, Chhattisgarh.
7. Sub Divisional Magistrate (Revenue), Sub Division Dabhra, District
Janjgir Champa (Chhattisgarh)

---- Respondent

For Petitioner : Shri Jeet Patel, Advocate.

For Respondent/State : Shri Sangharsh Pandey, Deputy GA.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board**08/03/2017**

1. The petitioner owns the land bearing Khasra No.2110, area 0.134 hectares at village Sukhda, P.H. No.5, RI Circle Dabhra, District Jangjir Champa where respondents 2 to 5 are installing high tension electricity power supply transmission tower for Lara STPS-1-Raigarh (Kotra), Pooling Station 400 kv D/c line (18 km).
2. It is argued that the concerned respondent cannot install high tension transmission tower without obtaining consent or acquiring the land belonging to the petitioner. It is also submitted that the petitioner has not been paid compensation for the area occupied and the damage caused to his land.
3. In similar matter viz. Writ Appeal No.169/2013 (Santosh Kumar Rathore and Others Vs. State of Chhattisgarh & Others) and other connected matters, decided on 12th April, 2013, the Division Bench of this Court has held that under proviso to Rule 3 (1) of the Works of Licenses Rules, 2006 (for short 'the Rules'), it is provided that on objection raised by the owner or occupier of any building or land, the District Magistrate or Commissioner of Police or any other officer authorized may stay any work or ask the work to be removed or altered and he could also fix compensation under sub-rule (2) of rule (3) of the Rules. The Division Bench thereafter directed the land holders to raise objection demanding compensation before the authority entitled to consider it. The appellants therein were directed to file representation before the District Magistrate of the concerned district and in case such representations are filed, the District Magistrate shall decide it by a speaking order, if possible within 3 months from the date of receipt of representation.
4. In view of the order passed by the Division Bench, the present writ petition is also disposed of with a direction to the petitioner to prefer a

representation before the District Magistrate seeking compensation for the loss suffered by him on account of installation of high tension transmission tower over his land, within a period of one month from today and thereafter the District Magistrate is directed to decide the representation, in accordance with law, within next 3 months.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve