

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No. 1844 of 2017

1. Umesh Kumar Patel S/o Malik Ram Patel Aged About 17 Years
 2. Ramesh Kumar Patel S/o Malik Ram Patel Aged About 15 Years
- Both are minor through Legal Guardian Father Malik Ram Patel, S/o Late Jeedhan Patel, aged about 45 years
3. Malik Ram S/o Late Jeedhan Patel Aged About 45 Years
- All are resident of village Litai Pali, Tahsil Raigarh, District Raigarh, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Energy Department, Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Chairman Chhattisgarh State Power Corporation Limited, Vidyut Seva Bhawan Danganiya Raipur, District Raipur, Chhattisgarh.
3. The Managing Director, Chhattisgarh State Power Transmission Company Limited, Vidyut Seva Bhawan Danganiya, Raipur, District Raipur, Chhattisgarh.
4. The Collector, Raigarh, District Raigarh, Chhattisgarh.
5. The Naib Tahsildar, Raigarh, District Raigarh, Chhattisgarh.
6. Chhattisgarh W. R. Transmission Limited Through Manager, Plot No. 32, Rukhmani Vihar Near Kotra Road, Police Station Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr.Shashi Bhushan Singh Patel, Advocate
For State	:	Mr.Shashank Thakur, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/7/2017

1. By this writ petition, the petitioners have prayed the compensation for erecting tower on their land.
2. The Supreme Court in the matter of **Power Grid Corporation of India Limited Vs. Century Textiles and Industries Limited and others**¹ has held that the District Judge is the authority under Section 16(c) of the Telegraph Act, 1885 to grant compensation in such a

¹ (2017) 5 SCC 143

situation. Para 27 of the report states as under:-

“27. At this stage, we deal with the direction of the Division Bench regarding compensation payable to the writ petitioner, or for that matter to the State Government. In the first instance, no such claim was laid by the writ petitioner in the writ petition or by the State Government before the High Court. Furthermore, the High Court could not have given this task to the District Collector, which is contrary to the provisions of Section 16(c) of the Telegraph Act, 1885 which are extended to laying down of electricity lines. As per this provision, such an authority vests with the District Judge.”

- 3.** In view of that, the writ petition is disposed of with the aforesaid observation/direction with a liberty reserved in favour of the petitioner to approach the District Court in accordance with law. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-