

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No. 1972 of 2017

1. Sanat Kumar Rathiya S/o Shri Khem Singh Rathiya, Aged About 37 Years R/o Nawapara, Tenda Tahsil Gharghoda, District Raigarh Civil & Revenue District Raigarh Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, through Secretary Power and Energy Department, Mahanadi Bhavan, Mantralaya, New Raipur (CG).
2. The Collector, Raigarh, District Raigarh (Chhattisgarh).
3. Assistant Engineer, TLM, Sub Division, Chhattisgarh State Power Distribution Company Limited, Korba District Korba Chhattisgarh.
4. Sub Divisional Officer Revenue, Gharghoda, District Raigarh (Chhattisgarh),
5. Tahsildar, Gharghoda, District Raigarh (Chhattisgarh),

--- **Respondents**

For Petitioner	:	Mr. Manoj Kumar Sinha, Advocate
For State	:	Mr. Prasun Bhaduri, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

19/07/2017

1. By this writ petition, the petitioner has prayed the compensation for erecting tower on his 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 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

¹ (2017) 5 SCC 143

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

L/-