

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12532 of 2016

Abdul Gaffar Ansari Son of Late Rozid Ansari Resident of village & P.O.
Lakdi, Police Station Basantpur, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, Govt. of Bihar, Patna
2. The Chairman -Cum- Managing Director, Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna
3. The Managing Director, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna
4. The District Magistrate, Siwan
5. The Electrical Executive Engineer, Siwan Division, Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the Respondent/s	:	Mr. Vijay Kumar Singh, Sr. Advocate
		Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-12-2018 The present writ petition has been filed for directing the respondents not to pass the electrical wire of 33000 volt diagonally through the land of the petitioner bearing Tauzi No. 1630, 1690, Khata No. 546 and Khesra No. 6368 in the Anchal Lakdi Naviganj, Thana No. 76 under Basantpur Block, Siwan.

The Respondents have filed a counter affidavit stating that the petitioner is not entitled to any relief inasmuch as the petitioner had never objected to erection of the poles and laying of electricity line and now, belatedly, after the electricity line has been energized, the petitioner is making frivolous grievances. It is further submitted that the electricity line is



passing through the land of more than one thousand persons and nobody has raised any grievances. It is further submitted that the electricity line in question is charged since 16.02.2016 and the same has been functioning since then resulting in benefits to several people.

The learned counsel for the respondents has relied upon a judgment of the Hon'ble Apex Court rendered in the case of ***Power Grid Corporation of India Limited vs. Century Textiles & Industries Limited & Ors.*** Reported in ***2017(2) PLJR (SC)152***. The learned counsel for the respondents seeks to rely upon paragraph nos. 21 and 26 of the said judgments passed in the case of Century Textiles & Industries Limited & Ors. (supra), which are quoted herein below:-

“21. Section 10 of the Indian Telegraph Act, 1885 empowers the Telegraph Authority to place and maintain a telegraph line under, over, along or across and posts in or upon any immovable property. The provision of Section 10(b) of the Indian Telegraph Act, 1885, makes it abundantly clear that while acquiring the power to lay down telegraph lines, the Central Government does not acquire any right other than that of user in the property. Further, Section 10(d) of the Indian Telegraph Act, 1885 obliges the Telegraph Authority to ensure that it causes as little damage as possible and that the Telegraph Authority shall also be obliged to pay full compensation to all person interested for any damage sustained by them by reason of the exercise of those powers.

“26. These are sufficient reasons to allow Civil



Appeal No. 10951 of 2016 preferred by the Power Grid by setting aside those directions. Ordered accordingly. We make it clear that if the writ petitioner feels that it is entitled to any compensation, the appropriate course of action is to file a suit before the concerned District Judge for this purpose. It would also be apt to point out at this stage that the Central Government has framed guidelines dated October 15, 2015 in this behalf which inter alia provide that the issue of compensation may be resolved having regard to the mode and manner of assessment of compensation as per the said guidelines. Therefore, it would always be open to the writ petitioner to avail the remedy as per the said guidelines.”

The learned counsel for the petitioner does not dispute the position in law, hence, he prays for grant of liberty to agitate his grievances elsewhere.

Having regard to the facts and circumstances of the case, the present writ petition is disposed of with liberty to the petitioner to avail such other remedies as are provided for under the law or as are provided for under the aforesaid judgment rendered by the Hon’ble Apex Court in the case of *Century Textiles & Industries Limited & Ors.* (Supra).

The present writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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