

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13508 of 2012

=====

Pramila Devi Wife Of Ram Lagan Singh, Resident Of Village - Jethuai, P.O. - Hajipur , P.S. - Industrial Area Hajipur, District - Vaishali (Bihar)

.... Petitioner

Versus

1. The Bihar State Electricity Board Through Its Chairman, Vidyut Bhawan, Bailey Road, Patna - 800001
2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna - 800001
3. The Principal Secretary, Energy Department, Government of Bihar, Secretariate, Patna- 800001
4. The General Manager-cum-Chief Engineer, Tirhut Electric Supply Division, Muzaffarpur (Bihar)
5. The Electrical Executive Engineer, Electric Supply Division, Muzaffarpur (Bihar)
6. The Member, Rural Electrification-cum-Production, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna-800001
7. The Assistant Electrical Engineer, Vaishali at Hajipur, District - Vaishali (Bihar)
8. The District Magistrate, Vaishali at Hajipur, District - Vaishali (Bihar)
9. Nirmal Kumar Son Of Late Ram Shovit Chaudhary Resident Of Village - Jethuai, P.O.- Industrial Area, Hajipur, District - Vaishali (Bihar)

.... Respondents

=====

Appearance :

For the Petitioner : None

For the Respondents : None

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-07-2018

The present writ petition has been filed against the petition which has been filed by the Respondent No. 9 Nirmal Kumar for removing the electric pole which is situated in front of the house the petitioner but in application the Respondent No. 9 has wrongly



mentioned that the said electric pole is standing in front of the house of Late Ram Shovit Chaudhary; and for connected reliefs.

2. None appears on behalf of the petitioner despite repeated calls. None is also present on behalf of the respondents.

3. At the very outset, this Court takes note that the writ petition has been directed against the petition of respondent no. 9 for removing the electric pole which is not maintainable. The further prayer for a direction to the concerned authority is merely consequential in nature.

4. A counter affidavit has been filed on behalf of the respondents, in paragraph 12 whereof stand has been taken that the electric rail pole stands on the Government land and not on the petitioner's purchased land. Moreover it is stated that the petitioner had earlier intervened in CWJC No. 22743 of 2011 which had been filed by the respondent no. 9 and similar relief sought by her was not granted. It is therefore submitted that the reliefs sought in the present writ petition are barred by the principles of res judicata/constructive res judicata.

5. Despite a copy of the counter affidavit having been served upon learned counsel for the petitioner in the year 2013 itself, the stand taken therein by the respondents has not been controverted as no rejoinder thereto has been filed.



6. In view of the uncontroverted stand of the respondents in the counter affidavit, this Court finds the writ petition to be devoid of merit and the same is dismissed as such.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.07.2018
Transmission Date	N.A.

