

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21589 of 2013

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1. Md. Mohiuddin Khan son of Samsuddin Khan, Resident of Road No. 8, Ashiyana Colony, Bagmali, P.S. Hajipur Town, District Vaishali
2. Md. Sahnawaz Siddhiqui son of Late Rizwan, Resident Of Road No. 9, Ashiyana Colony, Bagmali, P.S. Hajipur Town, District Vaishali
3. Md. Muzaffar Bahauddin S/O Late Nijamuddin, Resident Of Road No. 1, Ashiyana Colony, Bagmali, P.S. Hajipur Town, District Vaishali
4. Md. Sahebjan Son Of Md. Mian Jan, Resident Of Road No. 9, Ashiyana Colony, Bagmali, P.S. Hajipur Town, District Vaishali
5. Abdul Rashid S/O Abdul Mazid Resident Of Road No. 7, Ashiyana Colony, Bagmali, P.S. Hajipur Town, District Vaishali
6. Shiv Shankar Srivastava Son Of Sri Bhrigunath Srivastava, Resident Of Sunita Sadan, Narayani Nagar, Road No. 5, Ashiyana Colony, P.S. Hajipur Town, District Vaishali

.... Petitioners

Versus

1. The State of Bihar
2. The Collector, Vaishali At Hajipur
3. The Engineer-in-Chief, Bihar State Power Transmission Company Ltd., Transmission Division, Hajipur
4. The Superintendent Engineer, Bihar State Power Transmission Company Ltd., Transmission Division, Hajipur
5. The Electric Executive Engineer, Bihar State Power Transmission Company Ltd., Transmission Division, Hajipur
6. The Assistant Engineer, Bihar State Power Transmission Company Ltd., Transmission Division, Hajipur
7. The Sub-Divisional Officer, Bihar State Power Transmission Company Ltd., Transmission Division, Vaishali At Hajipur

.... Respondents

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Appearance :

For the Petitioner : Mr. Surendra Kishore Thakur, Advocate.

For the Respondents : Mr. Anand Kumar Ojha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-11-2018

Heard learned counsel for the petitioners and learned
counsel for the respondents.



2. The present writ petition has been filed for quashing the order dated 23.09.2013 passed by the respondent no. 7 in Miscellaneous Case no. 1815/2013 whereby and whereunder the respondent no. 7 has directed to remove the houses standing below the overhead transmission line of 132 KV going to Samstipur to Chapra and has directed the Officer to remove all the houses taking help from the local police; to make an alternative way to install the overhead transmission line of 132 KV by extending the height of poles so that these petitioners who having no land except the land in question can be allowed to live in the said house; and for connected reliefs.

3. Learned counsel for the petitioners submits that the overhead transmission line was installed without consent of the land owners and no compensation has also been paid to the petitioners who purchased their land in small pieces and constructed their houses over the same where they are residing with their respective families.

4. Learned counsel for the respondents invites reference to the counter affidavit, *inter alia*, stating that the Samastipur-Chhapra Transmission Line was built in the year 1969 itself. Based on the power requirement at the time, stringing was made only one side of the towers but subsequently second circuit stringing was required on the other side of the towers. This job was completed by the PGCIL in January, 2011 but the same could not be done from



Tower Nos. 195 to 198, 204 to 206. From Tower Nos. 208 to 210 located near the houses of the petitioners, second circuit could not be charged as such houses/structures were too close to the wire and the clearance was not in conformity with Rule 77 and 80 of the Electricity Rules, 1956. It is stated that the petitioners have made unauthorized construction below the existing tower and conductor which have been functioning since 1969. In this context, a letter dated 31.03.2014 (Annexure-C/1) from the Power Company was addressed to the Executive Officer, Nagar Palika, Hajipur seeking details of the sanction plan relating to the houses/structures of the petitioners. In reply, it was informed by letter dated 17.05.2014 (Annexure-C/2) that no such documents were available.

5. Having heard the parties and on consideration of the materials on record, this Court finds the writ petition to be devoid of merit. It is the case of the petitioners themselves that they have purchased the land and constructed their houses in 1996 and hence much later on after construction of the towers and transmission line in 1969. The stand of the respondents that the houses constructed by the petitioners are unauthorized has also not been controverted or disputed and no rejoinder to the counter affidavit has been filed.

6. The petitioners have also not brought on record the sanction plans relating to construction of their houses. In such



circumstances, this Court is not inclined to interfere in the matter.

7. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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