

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.818 of 2012

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1. Panchanan Sharma S/O Late Binda Singh Resident Of Village-Kurji, Police Station-Phulwarisharif, District-Patna
2. Sunder Kali Devi W/O Panchanan Sharma, Resident Of Village-Kurji, Police Station-Phulwarisharif, District-Patna

.... Petitioners

Versus

1. State of Bihar through Collector, Patna
2. Collector, Patna
3. Circle Officer, Phulwari Sharif, Patna
4. Power Grid Corporation of India Ltd. Head Office-Gurgaon, Haryana
5. D.G.M. Power Grid Corporation Of India Alankar Palace, 2nd Floor, Boring Road, Patna

.... Respondents

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Appearance :

For the Petitioners : Mr. Sanjay Parasmani, Advocate.
For the Corporation : Mr. Harendra Kumar Tiwari, Advocate.
For the State : Mr. Dhurandhar Pd. Chaudhary, SC-2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-09-2018

The present writ petition has been filed for the following reliefs –

“(i) A writ in nature of mandamus or any other writ(s) or order (s) or direction (s) be issued directing and commanding the respondents to follow the work of License Rule, 2006 particularly sub section 1 and 2 of Section 3 and thereby obtain permission of petitioner’s for use of their land by granting suitable compensation otherwise do not use the petitioner’s land for placing electric supply line and pole.

(ii) A command or direction be issued to the respondents to



explore alternative way of Electric Supply line as done in Digha area where underground electric supply line have been installed between Digha and Khagaul.

(iii) Any other writ or order or direction to which the petitioner's are found entitled by this Hon'ble Court may kindly be issued."

2. Learned counsel for the Power Grid Corporation of India Ltd. (respondent nos. 4 and 5) submits that the issue in question is no longer *res integra*. By order dated 13.02.2012 this case was directed to be placed after disposal of SLP No. 14939 of 2011 and Civil Appeal No. 8342 of 2009. It is submitted that the decision of the Apex Court dated 14.12.2016 is now reported in 2017 (2) PLJR (SC) 152 (The Power Grid Corporation of India Ltd., vs. Century Textiles & Industries Limited and others), wherein the appeal by the Power Grid Corporation has been allowed and the judgment of this Court stands set aside.

3. Pursuant to the above, a Division Bench of this Court in LPA No. 1791 of 2011 (The Power Grid Corporation of India Ltd., vs. Madan Mohan Lal Das and others) and analogous LPA No.1802 of 2011, has held as follows :

"3. From the aforesaid, it is clear that the judgment rendered in the case of Ram Naresh Singh (supra) has been quashed by the Supreme Court and liberty has been granted to the petitioner therein to get the issue settled by



approaching the District Judge as indicated therein. That being the order passed by the Supreme Court and once the learned Writ Court has decided the writ petition in the light of the law laid down in the case of Ram Naresh Singh (supra), these appeals are also liable to be allowed., the order passed by the Writ Court quashed and the liberty granted to the respondents petitioners in the original writ petitions to take recourse to the remedy of approaching the District Judge as granted by the Supreme Court.

4. Accordingly, we allow these appeals, quash the orders dated 25.7.2011 passed in CWJC No. 11195 of 2010 and 3996 of 2010 and grant liberty to the petitioners therein to proceed in the matter as indicated hereinabove.

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4. In the above view of the matter, the present writ petition is disposed of in line with and on the same terms as LPA No. 1791 of 2011 (The Power Grid Corporation of India Ltd., vs. Madan Mohan Lal Das and others) and analogous LPA No.1802 of 2011.

(Vikash Jain, J)

B.T/Ibrar

AFR/NAFR	NAFR
CAV DATE	N.A.
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