

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6101 of 2016

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Sheo Kant Jha, Retired Assistant Teacher, son of Late Brahmdev Jha resident of Village - Begumpur, Post Office - Bara, Via - Rosara, Police Station - Khodabandpur, Sub-Divisional - Rosara, District - Begusarai, PIN - 848210.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Energy Department, 8 Daroga Rai Path, Patna - 800001, Government of Bihar.
2. Chairman-cum-MD, Bihar State Power Transmission Company, Vidyut Bhawan, Bailey Road, Patna, Bihar 800001.
3. The Executive Engineer-Electricity, Transmission Area (Sancharan Pramandal), 132/33-KB, Grid Campus, Mohanpur, Samastipur, Bihar.
4. North Bihar Power Distribution Company Limited Government of Bihar, Vidyut Bhawan, Bailey Road, Patna, Bihar 800001.
5. The District Magistrate, Zila Samaharnalay, Begusarai, Bihar.
6. The Sub Divisional Officer-Majhoul, District - Begusari, Bihar.
7. The Circle Officer-Khodabandpur, Block + Circle + Police Station - Khodabandpur, Sub-Division - Majhoul, District - Begusarai, Bihar.
8. M/s - K Ramchandra Rao, Transmission & Project Private Limited, Praveen Chambers, 305, B-Block, Kushal Tower, Hyderabad - 500004.
9. M/s - Doddabasaveshwara Nilaya, Basaweshwara Nagar , 1st Stage, Gandhinagar, Bellary - 3.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar @ Ravindra Kr Rai
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Vijay Kumar Verma
		Mr. Akhileshwar Singh
For the State	:	Ms. Prakritita Sharma, A.C. to SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 26-11-2018

The present writ petition has been filed for directing the respondent authorities for not disturbing and destroying the peaceful possession of the petitioner of the land in question either by raising high power electrical transmission line on his land or taking earth away from his field and raising pillars by destroying the crops.



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 that the petitioner be granted liberty to claim compensation in light of the law laid down by the Hon’ble Apex Court in the case of ***Century Textiles & Industries Limited & Ors.*** (supra).

Accordingly, the present writ petition is disposed of with the consent of the parties with liberty to the petitioner to avail the remedies as provided for by the Hon’ble Apex Court in the aforesaid judgment passed in the case of ***Century Textiles & Industries Limited & Ors.*** (supra).

The writ petition is disposed of on the aforesaid terms.

S.Sb/-

(Mohit Kumar Shah, J)

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	29.11.2018
Transmission Date	N/A

