

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13941 of 2015

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Hira Prasad Choudhary @ Heera Lal Choudhary S/o Late Laxmi Narayan Choudhary resident of village + post - Rasidpur, P.S. - Bachwara, Via - Teghara, District - Begusarai.

.... Petitioner/s

Versus

1. The Chief Managing Director, Bihar State Power Transmission Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
2. G.M. cum Chief Engineer, Bihar State Power Transmission Company Ltd. Transmission Zone, Bhikhanpura, Muzaffarpur.
3. The Executive Engineer, Bihar State Power Transmission Company Ltd. Transmission Circle, Mohanpur, post - Kashipur, District - Samastipur.
4. Assistant Executive Engineer, Bihar State Power Transmission Company Ltd, At + P.O. - Dhepura, Via - Dalsinghsarai, District - Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bauye Jee Jha (B.J. Jha), Adv
For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Adv
Mr. Vijay Kumar Verma, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-11-2018

Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the respondent-Corporation.

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

- (i) For issuance of a direction/order or writ including writ in the nature of certiorari to quash the letter no. 96/V dated 17.07.2015 which was served to the petitioner on 29.07.2015 issued by Assistant Executive Engineer, Transmission, Junior Division,



Dalsingsarai by which and whereunder without consent or prior information they proposed to establish 132 KV Dalsingsarai-Bachwara 'C' type transmission tower in the proposed residential land of petitioner pertaining to Khesra No. 1220, Khata No. 320 Tauzi No. 5897 thana and Anchal-Bachwara total measuring an area of 5 Katha 12 Dhur.

- (ii) Issuance of a direction/order or writ including writ in the nature of mandamus commanding the respondents restraining them of transmission tower which covers an area of about 600 square feet having 132 KV in the residential land of the petitioner.
- (iii) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.

3. The present writ petition has been filed for restraining the respondents from installing High Tension Transmission Line and the Tower through the residential house of the petitioners' land and other connected reliefs.

4. Learned counsel for the respondents states that the issues in the present writ petition now stand resolved in view of the judgment of the Hon'ble Supreme Court in Civil Appeal No. 10951 of 2016 (*The Power Grid Corporation of India Limited vs. Century Textiles & Industries Limited and others*) and analogous cases, *inter alia*, observing in paragraph-21 of the said judgment that the Telegraph Authority would be obliged to pay full compensation to all persons interested for any damage sustained by them. It has further been



observed in paragraph-26 of the judgment that the appropriate course of action is to file a Suit before the concerned District Judge for the purpose.

5. In the above view of the matter, the writ petition stands disposed of in the light of the aforesaid judgment of the Hon’ble Supreme Court in Civil Appeal No. 10951 of 2016 (*The Power Grid Corporation of India Limited vs. Century Textiles & Industries Limited and others*) and analogous cases.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

