

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.1380 of 2018**

Smt. Usha Bai, Wife of late Shri Shyambali Sahu, aged about 55 years, resident of village Sirgitti, P.S. Sirgitti, District Bilaspur (CG)

---Petitioner**Versus**

- 1.** State of Chhattisgarh, Through : The Secretary, Department of C.S.E.B., Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
- 2.** Collector, Bilaspur, District Bilaspur (CG)
- 3.** Executive Engineer Chhattisgarh State Electricity Distribution Company Maryadit, Bilaspur (CG)
- 4.** Junior Engineer Chhattisgarh State Electricity Distribution Company Maryadit, Tifra Bilaspur (CG)

---Respondents

For Petitioner	: Mr.C.K.Sahu, Advocate
For State	: Mr.Gary Mukhopadhyay, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/05/2018**

- 1.** Learned counsel appearing for the parties would submit that the issue involved in the present writ petition is covered by judgment of the Supreme Court in the matter of **Power Grid Corporation of India Limited v. Century Textiles and Industries Limited and others**¹ in which it has been held as under:-

“27. At this stage, we deal with the direction of the Division Bench regarding compensation payable to the writ petitioner, or for that

¹ (2017) 5 SCC 143

matter to the State Government. In the first instance, no such claim was laid by the writ petitioner in the writ petition or by the State Government before the High Court. Furthermore, the High Court could not have given this task to the District Collector, which is contrary to the provisions of Section 16(c) of the Telegraph Act, 1885 which are extended to laying down of electricity lines. As per this provision, such an authority vests with the District Judge.

28. 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 District Judge concerned for this purpose. It would also be apt to point out at this stage that the Central Government has framed guidelines dated 15-10-2015 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.”

2. In view of that, the present writ petition finally stands disposed of with a direction to the petitioner to approach the competent authority for compensation. No cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-