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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 3498 of 2017**

Omprakash Goyal, S/o Satyanarayan Goyal, aged about 58 years, caste Agrawal, occupation business, R/o village Kharsiya, Tahsil Kharsiya, District Raigarh (C.G.)

---- **Petitioner****Versus**

1. State of Chhattisgarh, through the Secretary, Department of Energy, Mahanadi Bhavan Mantralaya, New Raipur (C.G.)
2. Power Grid Corporation of India Limited, office-Kutub Institutional Area Katwaria Saray, New Delhi.
3. The Managing Director, Chhattisgarh Electricity Production/ Transmission / Distribution Company Maryadit, Daganiya, Raipur, District Raipur (C.G.)
4. The Executive Director, Power Grid Corporation of India Limited, C.S.I.D.C. Commercial Complex, Ring Road No.1 Mahadev Ghat Road, Raipur, District Raipur (C.G.)
5. The Collector, Raigarh, District Raigarh (C.G.)
6. The Sub Divisional Officer (Revenue) Kharsiya, District Raipur (C.G.)

---- **Respondents**

For Petitioner	:	Shri Abhishek Saraf, Advocate.
For State	:	Shri R.N. Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/01/2018**

- (1) Learned counsel for the petitioner submits that as respondent No. 2 is installing transmission line in the petitioner's land, the said authority be restrained by issuing appropriate writ.
- (2) Learned counsel for the State submits that the petitioner has an

alternative remedy to approach learned District judge for appropriate compensation.

(3) I have heard learned counsel appearing for the parties.

(4) In the matter of **Power Grid Corporation of India Limited Vs. Century Textiles and Industries Limited and others**¹, their Lordships of the Supreme Court have 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 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.”

(5) In view of above settled legal position, the instant writ petition stands finally disposed off leaving open to the petitioner to approach to the District Judge for appropriate compensation.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

1 (2017) 5 SCC 143

