

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition (PIL) No. 139 of 2017

Louis Tirkey son of Victor Tirkey aged about 34 years, Panch of village Ranpur, Manjhatoli, Tahsil Bagicha, District Jashpur, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Energy, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Collector, Jashpur, District Jashpur, Chhattisgarh.
3. Executive Engineer, Chhattisgarh Electricity Power Distribution Company Limited, Jashpur, District Jashpur, Chhattisgarh.
4. Tahsildar, Bagicha, District Jashpur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Nasimuddin Ansari, Advocate.
For Respondent/State	: Shri A.S.Kachhwaha, Additional Advocate General
For Respondent No. 3	: Shri Abhishek Sinha, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Pritinker Diwaker, Judge

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

16/07/2018

1. The Petitioner claims himself to be a permanent resident of village Ranpur, Manjhatoli, Tahsil Bagicha, District Jashpur and is said to be a Panch of the said village. Since a sub-station on behalf of the Electricity Department was said to be established on a particular piece and parcel of land, objections were raised that setting up of such sub-station would create problems for the Anganbadi Center which is running adjoining to the proposed sub-station, plus, it will also create impediment in free movement of the villagers to visit their farmland as well as the pond situated in the village. A direction was sought through the writ application for stoppage of the work, if not prevent establishment of the said sub-station.

2. In terms of the directions issued from time to time, affidavits have been filed. The affidavits reflect that the sub-station has been set up in a government land with due approval of the competent authorities keeping in mind all the safety aspect as well. It is also stated that a spot inspection of the location was held and after participation of the Sarpanch and other members of the said village, it was agreed that the sub-station will not create any kind of nuisance or cause any kind of danger to life or limb of the villagers of the village in question.
3. In the affidavit of the Sub Divisional Officer (Revenue), on behalf of the District Magistrate, not only a Panchnama of the villagers have been annexed but a decision of the Collector in relation to the objection of the Petitioner or some of the villagers has also been annexed which indicates that the construction of the sub-station, in no manner creates any impediment in the free movement of the villagers since there is a concrete road running around the sub-station which is more than 3.8 meters in width.
4. We are satisfied that in the larger public interest, establishment of the sub-station is required whose construction has already been completed and the same does not stand energised only because of the interim order which was passed by this Court earlier on 20.02.2018.
5. The writ application is dismissed. The Respondents are now permitted to energize and electrify the sub-station which will now be available for augmentation of supply of electricity in the area.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Pritinker Diwaker)
JUDGE