

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13893 of 2018

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Satendra Pandey Son of Ramadhar Pandey at Present resident of Ward No. 14, Rajeev Nagar Nala Road Banyari, P.S. Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Gopalganj.
3. The Sub- Divisional Magistrate, Gopalganj.
4. The Executive Engineer, District Electric Supply Division, Gopalganj.
5. The Assistant Engineer, Electric Supply Sub-Division, Gopalganj.
6. The Junior Engineer, Electric Supply Sub-Division, Gopalganj.
7. The Officer Incharge, Gopalganj, Police Station- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Srivastava, Advocate
For the State	:	Mr. Rakesh Ambastha, AC to AAG 7
For the NBPDC	:	Mr. Vinay Kriti Singh, Advocate
		Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 25-09-2019

Heard learned counsel for the petitioner and learned counsel for the State.

The present application has been filed by the petitioner who is a resident of Ward no. 14, Rajeev Nagar, Gopalganj Town for direction to the respondents not to change the direction of High Tension Wire (33000 volts) at ward no. 14, Mohalla Rajeev Nagar.

It is submitted by learned counsel for the petitioner that the high tension wire has been in operation since 1932 at particular direction, 100 meters away from the residential area but respondents are trying to change the direction of the said



wire over 3 feet Nala. It has specifically been stated that they cannot change the direction of the high tension wire without permission of the State Government. He also placed reliance on sections 53 and 54 of the Electricity Supply Act, 2003. So far as section 54 is concerned, the same does not apply in the present case. Section 53 talks about the consultation of the State Government.

Counter affidavit has been filed by the North Bihar Power Distribution Company wherein the specific plea has been taken that the statement made by the petitioner of installing high tension wire over residential colony is incorrect but the pole has been installed over the vacant land of Nala and there is no likelihood of touching the residential area. Counsel for the North Bihar Power Distribution Company has submitted that they can install the pole wherever necessary for supply of power under Electricity Act read with Indian Telegraph Act. In support of submission placed reliance on the judgment reported in 2017 (2) PLJR SC 152 (Power Grid Corpn. of India Ltd. vs. Century Textiles & Industries Ltd.).

During course of argument learned counsel for the petitioner submits that the proposed height of the high tension wire is not sufficient and there is likelihood the human being may be harmed on account of high voltage of wire. Though the



petitioner has disputed the statement made in paragraph 12 of the counter affidavit but in such situation when the North Bihar Power Distribution Company has specifically stated that the proposed direction of high tension wire of 33000 KV is over the vacant land of Nala, for the present, we cannot pass any order. However, we direct the District Magistrate to examine the complaint of the people and to ensure that the height of the wire should be a reasonable and also to ensure, no likelihood of any human being or animal, in any way, be effected by running of live electric wire. Further, if the petitioner files a proper representation before the District Magistrate, the District Magistrate shall look into and dispose off the same in accordance with law within a period of six weeks.

It is made clear that we are not giving any interim order in favour of any of party.

Writ petition is disposed off.

(Shivaji Pandey, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

