

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1252 of 2016

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Smt. Rita Devi W/o Shri Ajay Kumar Dwivedi, presently resident of Mohalla-Dujra, Rajapur Pull, P.O.- G.P.O., P.S.- Budha Colony, District- Patna, permanent resident of village- Bai Dehri, P.O.- Dhawani, P.S.- Kara Kat, District- Rohtas.

... .. Petitioner/s

Versus

1. Bihar State Power Transmission Company Ltd. through its Managing Director having office at 4th floor, Vidyut Bhawan, Bailey Road, Patna-1
2. The Managing Director, Power Grid Corporation, having office at Alankar Palace, Boring Road, Patna.
3. Bihar State Power Transmission Company Ltd. through its Managing Director having office at 4th Floor, Vidyut Bhawan, Bailey Road, Patna-1
4. The Managing Director, Bihar State Power Transmission Company Ltd., 4th Floor, Vidyut Bhawan, Vidyut Bhawan, Bailey Road, Patna-1
5. The State of Bihar through the Principal Secretary, Energy Department, Government of Bihar, Patna.
6. The Principal Secretary, Energy Department, Government of Bihar, Patna.
7. The Commissioner of Patna Division, Patna.
8. The District Magistrate Arrah, District Arrah.
9. Ramachandram Rao K. Transmission and Project Pvt. Ltd., Flat No. 305, Andhra through its Managing Director A Block, Kaushal Towers, Khairatabad, Near Shadan College, Hyderabad- 500004

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vagisha Pragya V. Mrs. Sushmita Sharma
For the Respondents	:	Mr. Ajoy Kumar Singh
For the BSPTC	:	Mr. A.K. Ojha
For the State	:	Mr. Manish Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 11-07-2019 The learned counsel for the petitioner submits that

though the initial prayer of the petitioner was to restrain the

respondents from laying 132 K.V. line over the raiyati plot of

the petitioner herein, but now, since the said electricity line has



already been laid, the petitioner seeks to take recourse to the remedy provided in the judgment rendered by the Hon'ble Apex Court in the case of ***The Power Grid Corporation of India Ltd. vs. Century Textiles & Industries Ltd. & Ors.***, reported in 2017 (2) PLJR 152 (SC), paragraph no. 25 to 27 whereof are reproduced hereinbelow:-

25. 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 Indian Telegraph Act, 1885 which are extended to laying down of electricity lines. As per this provision, such an authority vests with the District Judge.

26. 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 concerned District Judge for this purpose. It would also be apt to point out at this stage that the Central Government has framed guidelines dated October 15, 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.

27. Civil Appeal No. 8951 of 2011



This appeal is filed by Power Grid in the case of Ram Naresh Singh. In this case, transmission lines are in District- Sasaram in the State of Bihar. The complete work for laying down the transmission lines where 524 overhead towers have been erected by the Power Grid. Out of these, only 1 tower is located at the land belonging to Ram Naresh Singh. The dispute raised is with regard to quantum of compensation and as per the provisions of Section 16 of the Indian Telegraph Act, 1885, it is to be settled by the District Judge. Thus, for all the reasons given above in the case of Century Textiles & Industries Limited, this appeal of the Power Grid stands allowed and the judgment of the High Court is set aside.”

2. Having regard to the aforesaid judgment rendered by the Hon’ble Apex Court in the case of ***Century Textiles & Industries Ltd. & Ors.*** (supra), I deem it fit and proper to dispose of the present writ petition in similar terms and grant liberty to the petitioner to seek compensation by approaching the learned District Judge and in case, any such petition is filed, the same may be disposed of expeditiously by the learned court below preferably within a period of six months from the date of filing of such petition.

3. The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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