

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7896 of 2018

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Surendra Prasad Singh S/o late Vishnudeo Singh Resident of Village -
Rajajan, P.S. Mohiuddin Nagar, Distt- Samastipur.

... .. Petitioner

Versus

1. The State Of Bihar through Secretary Department of Energy Government of Bihar, Patna.
2. The Secretary, Dept. of Energy Govt. of Bihar, Patna.
3. The District Magistrate, Samastipur, District- Samastipur.
4. North Bihar Power Distribution Company Ltd. through Managing Director, Patna.
5. The Managing Director, North Bihar Power Distribution Company Ltd. Patna
6. The Executive Engineer, Electric Supply Sub Division, Mohiuddin Nagar, Distt. Samastipur.
7. The Executive Engineer (Project), Electric Supply Circle Samastipur.
8. The Assistant Engineer Electric Supply Sub Division Mohiuddin Nagar, Distt. Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Brij Bihari Tiwary, Advocate
For the State	:	Mr. ram Subhas Singh, AC to AAG-7
For the Resp. Company	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 28-03-2019

Heard learned counsel for the petitioner and
learned senior counsel representing the respondent North
Bihar Power Distribution Company Limited, Patna and it's
authorities.

Petitioner in the present case is seeking a writ of
mandamus commanding the respondent authorities not to



go ahead with the installation of electric pole four meters away through the house of the petitioner situated at village – Rajajan, P.S. - Mohiuddin Nagar, District – Samastipur.

In the writ application it is stated that 33,000 volt electric supply was coming from the Siwaisinghpur Power Grid through Brahmpura straitening towards Rajajan Road but same was deviated by 100 meters for no apparent reason and now the installation of electric pole passing through only four meters away from house of the petitioner. The impression given to this court was that the pole is being erected on the residential land of the petitioner.

At this stage, after going through the pleadings available on the record particularly the statement made in the counter affidavit filed on behalf of respondent no. 4 to 8, it appears that now the respondents are laying down underground cable which are outside the boundary of the plot of the petitioner. In the counter affidavit, it is also stated that now line and laid down cables are not passing through the private land of the petitioner rather those are going underground outside the plot of the petitioner.

In the supplementary counter affidavit again



respondents have made a statement that at present juncture of time the line is not passing through the land of the petitioner and therefore the objection taken by him is totally misconceived.

Learned counsel for the petitioner has still insisted with his submission that the respondents have deviated from the original survey and are laying down the underground cables from the side of the residential house of the petitioner which should not have been done. A photograph has been brought on record at page 80, 81 & 82 of the supplementary affidavit filed on behalf of the petitioner as rejoinder to counter affidavit of respondent no. 4 to 8. From the photographs, learned counsel for the petitioner submits that the digging of earth is taking place just beside the residential house of the petitioner which should not be allowed.

On the other hand, learned senior counsel representing the Company has explained through the sketch map placed before this court that no part of the residential house or plot of the petitioner is being used for laying down the cable and in fact the cable is now being laid through the



land which is being used as street (gali) in the village. It has been explained to the court that a slight deviation has been made from the original survey because of the local objection which was delaying the whole project, but in any case, because of that deviation, the land of the petitioner is not going to be effected. It is submitted that petitioner is only creating hindrances in laying down the underground cables and his insistance is that the line must pass through a particular route which if undertaken is likely to cause further obstructions and will delay the whole project.

Having heard learned counsel for the petitioner and learned senior counsel representing the respondents Company and after patiently understanding the sketch map and the photographs available on the record, this court finds that now the cables are being laid through the street areas and not through any portion of the residential house or plot of the petitioner. The petitioner is unable to demonstrate from the records that any part of the residential plot or residential house is getting effected and is becoming useless or in any other way it's uses being curtailed by underlying the cable wires. There are some deviations which are



admitted but then balancing the interest of the parties and in larger public interest, this court is of the considered opinion that it should restrain itself from interfering with the ongoing work and project only on the ground that there has been some deviation which has in fact no effect on the residential house and the plot of the petitioner. This court is, thus, not willing to interfere with the ongoing work, and in the circumstances stated above, no mandamus is required to be issued.

The writ application is dismissed and the interlocutory applications are disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.04.2019
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