

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 468 of 2019**

- Ishwar Lal Dansena S/o Abhyram Danesena Aged About 65 Years
R/o Village Pusalda, Tahsil Pussore, District- Raigarh, Chhattisgarh.

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

1. State Of Chhattisgarh Through The Secretary Department Of Revenue, Mahanadi Bhawan, Atal Nagar, New Raipur, P.S. Rakhi, District- Raipur, Chhattisgarh.
2. Collector Raigarh, Chhattisgarh.
3. Sub Divisional Officer (Revenue) Pussore, District- Raigarh, Chhattisgarh.
4. Tahsildar Pussore, District- Raigarh, Chhattisgarh.
5. Power Grid Corporation Of India Limited (A Government Of India Enterprises), 11th Km Milestone, Nandeli Road, PO And Village Kotra, District- Raigarh, Chhattisgarh.

---- **Respondent**

For Petitioner : Shri Dhani Ram Patel, Advocate.
 For Respondents 1 to 4 : Shri Sudeep Verma, Deputy GA.
 For Respondent No.5 : Shri Abhishek Sinha, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****20/06/2019 :**

1. In the present writ petition under Article 226 of the Constitution of India, the petitioner has prayed for a direction to the respondent authorities not to erect high tension electric line and install tower over his agricultural land and the house without considering his objection; without following due procedure and without paying amount of compensation in accordance with law.

2. Learned counsel for the respondents would submit that the transmission tower and high tension electric line is erected after obtaining required permission under the relevant statute, therefore, it is incorrect to say that due procedure is not followed before installation of transmission tower and erection of high tension line. It is also put forth that a sum of Rs.94,901/- has already been offered to the petitioner as compensation, however, the petitioner has refused to accept the cheque.
3. Learned counsel for the petitioner would submit that the cheque was offered to him only after presentation of the writ petition. When the respondents initiated the work on the petitioner's land, he was neither informed nor any compensation was offered to him, therefore, he was compelled to file this writ petition. It is also submitted that under the relevant guidelines dated 1.6.2016 filed by respondent No.5 with his reply dated 15.5.2019, compensation is to be assessed by taking width of in between outer wires to be erected over the land, which is mentioned as 67 meter for 800 KV transmission line. From another document filed with the earlier return by the State, it is established that the petitioner's house is situated within a distance of 38 meter from one end of the outer wire. Therefore, compensation has to be assessed accordingly, but the same has not been done. It is also stated that in the same and nearby villages, more compensation has been offered and paid to other affected persons.
4. Countering the submission, Shri Abhishek Sinha, learned counsel for respondent No.5, would submit that the petitioner is wrongly interpreting the effect of circular dated 1.6.2016. The circular only provides that the affected area to be measured for 800 KV line would be the area falling in between the outer wires to be erected. It is not to be measured in a distance outside the width of two terminating wires or from the centre of the tower.
5. Considering the submissions made, it appears, the rival submissions should be appreciated and necessary orders are

required to be passed by the District Magistrate, who although has already determined the compensation and offered a sum of Rs.94,901/- to the petitioner, but since the petitioner is contending that the compensation has wrongly assessed with a plea that similarly placed persons in the same and nearby village have been offered more compensation, the Writ Petition is disposed of with a direction that the petitioner shall move a representation before the District Magistrate within a period of 15 days from today raising his grievances about inadequacy of compensation assessed without giving opportunity of hearing to him. On such representation being filed, the District Magistrate shall hear all the concerned parties and pass fresh orders keeping also in view the submissions made by the rival parties which are mentioned in the preceding paragraphs. The District Magistrate shall pass order within a period of 3 months from the date of submission of representation.

6. The interim order passed earlier shall stand vacated.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve