

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 103 of 2005**

1. Harshvardhan Singh, S/o Narnarayan Singh, aged about 32 years,
2. Anshuman Singh, S/o Surendra Kumar Singh, aged 22 years,
3. Atish Singh, S/o Surendra Kumar Singh, aged 20 years,
All R/o Deviganj Ward, Ambikapur, Distt. Sarguja (C.G.)
4. Kamla Devi, Wd/o Late P.N. Singh, aged 50 years,
R/o Ambikapur, P.S. & Tahsil Ambikapur, Distt. Sarguja (C.G.)

----Appellants/plaintiffs**Versus**

1. C.G. Electricity Through President C.G. Electricity Board, Raipur (C.G.)
2. Divisional Engineer, C.G. Electricity Board, Ambikapur, Distt. Sarguja (C.G.)

---- Respondents

For Appellants	: Mr. D.N. Prajapati, Advocate
For Respondents	: None.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/01/2019**

(1) The plaintiffs' suit for mandatory injunction directing the respondent- Electricity Board to remove the high tension line erected on his land and for compensation till the electric polls are removed. The said civil suit was dismissed by the trial Court, which was duly upheld by the first appellate Court vide judgment & decree impugned.

(2) Learned counsel appearing for the appellants/plaintiffs would submit the concurrent finding recorded by both the courts below suffers from illegality & perversity and that give rise to the substantial question of law for determination as prior consent of plaintiffs / land owner was necessary.

(3) I have heard learned counsel appearing for the appellants/plaintiffs and perused the record of both the courts below with utmost circumspection.

(4) The Supreme Court in the matter of **Power Grid Corporation of India Limited Vs. Century Textiles and Industries Limited and others**¹ has held that prior consent of the land owner is not required for construction of transmission towers or laying transmission lines and the land owner is entitled for compensation for damages suffered by him by the reason of exercise of that power.

(5) In view of above settled legal position, appellants' contention that prior consent of the land owner is required before erection of the poll in his land is not legally correct. Thus, the concurrent finding recorded by both the courts below is a finding of fact based on material available on record and I do not find it either perverse or contrary to record and no question of law much less substantial question of law is involved in this appeal.

(6) Accordingly, the second appeal being devoid of merit is liable to be and is hereby dismissed in *limine*.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

1 (2017) 5 SCC 143

