

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.956 of 2020**

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Jitendra Singh Son of Kameshwar Singh Resident of Village- Hirachak, P.O.-  
Sriwar Gopalpur, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The South Bihar Power Distribution Company Limited through Chairman-cum-Managing Director, Patna, Bihar.
2. The General Manager, Power Grid Corporation of India, Shastri Nagar, Board Colony, Patna.
3. The Bihar Grid Company Limited through its Junior Engineer Alok Kumar, Alankar Palace, Boring Road, P.S.- Budha Colony, District- Patna, Bihar.

... .. Respondent/s

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**Appearance :**

|                                                          |                                 |
|----------------------------------------------------------|---------------------------------|
| For the Petitioner/s                                     | : Mr. Anil Kumar Tiwary         |
| For the Respondent/s                                     | : Mr. Vinay Kirti Singh         |
| For the Power Grid Corporation of India Limited          | : Mr. Arbind Kumar Singh        |
| For the Bihar Grid Company Limited                       | : Mr. Harendra Tiwari           |
| For the South Bihar Power Distribution Company Limited : |                                 |
|                                                          | Mr. Vinay Kirti Singh, Sr. Adv. |
|                                                          | Mr. Vijay Kumar Verma           |
|                                                          | Mr. Akhileshwar Singh           |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL JUDGMENT**

**Date : 20-02-2020**

The present writ petition has been filed to direct the respondents not to lay high-tension electricity wires over the land bearing Mauza- Gopalpur, Khata No. 52, Plot No. 1847 of the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner has received the aforesaid plot of land upon partition and he has planned to construct a house and a school, however, transmission lines are being laid by the respondents,



hence they be precluded from laying the high-tension overhead transmission line through the aforesaid land of the petitioner.

The learned counsel appearing for the Bihar Grid Company Limited, by referring to the counter affidavit, has submitted that the said Company is a Joint Venture of (i) Bihar State Power (Holding) Co. Ltd, constituted under the Companies Act, 1956 having its registered office at Vidyut Bhawan, Bailey Road, Patna & (ii) Power Grid Corporation of India Ltd., a company incorporated under the provisions of the Companies Act, 1956 and having its registered office at B-9 Qutab Institutional Area, Katwaria Sarai, New Delhi. It is further submitted that the said Company was incorporated on 04.01.2013 under the Companies Act, 1956 and has been granted Transmission License by the Bihar Electricity Regulatory Commission, Patna on 21.06.2013. It is also contended that the aforesaid Company is a Transmission Licensee under Section 14 of the Electricity Act, 2003, which has been authorized to construct, maintain and operate inter-state transmission lines, sub-stations and associated installations approved under a scheme by Energy Department, Government of Bihar. It is further submitted that the Government of Bihar has conferred power of Section 164 of the Electricity Act, 2003



read with Section 10 of the Indian Telegraph Act, 1885, to company, for placing and maintaining of electric lines under, over, along or across, in or upon any immovable property for the transmission of electricity. On merits, it is submitted that 220 KV D/C Naubatpur (Kharauna), Bhusaula Transmission Line has crossed through the lands of this petitioner and one tower location i.e. 12A/2 is falling in the petitioner's land. Total length of transmission line is 19.95 Kms. The transmission line in question has to be completed by March, 2020 and the same is a part of the process of strengthening of Transmission System in Bihar. It is further averred that out of total 62 foundations, 48 has already been completed or casted. Erection of 46 towers has also been completed and rest 13 towers, including petitioner's and rest are pending due to railway crossing or national highway crossing. Stringing work of 11.20 kms has already been completed and for completion of line in question, survey was made, by the company and thereafter physical verification was also made and land in question has been found to be agricultural in nature and the nature of land has also been found to be agricultural at the time of route alignment and at present also land in question is vacant and agricultural in nature. The learned counsel for the respondent Company has further



submitted that before construction of the transmission lines, paper publication was also made and at that time the land was fully agricultural in nature. As far as diversion, alteration or shifting of transmission line is concerned, the same is neither feasible nor permissible in view of the fact that prior to approval of project, detailed survey is conducted and after considering the most suitable route, feasibility report is prepared and thereafter project is approved by the Government. Transmission line cannot be erected in zigzag manner and the interest of individuals is to give way to larger interest of national projects.

The learned counsel for the petitioner has also referred to a judgment rendered by the Hon'ble Apex Court in the case of ***Power Grid Corporation of India Limited vs. Century Textiles & Industries Limited & Ors. Reported in 2017(2) PLJR (SC) 152.*** The learned counsel for the respondents seeks to rely upon paragraph nos. 21 and 26 of the said judgments passed in the case of ***Century Textiles & Industries Limited & Ors.*** (supra), which are quoted herein below:-

*“21. Section 10 of the Indian Telegraph Act, 1885 empowers the Telegraph Authority to place and maintain a telegraph line under, over, along or across and posts in or upon any immovable property. The provision of Section 10(b) of the Indian Telegraph Act, 1885, makes it abundantly clear that while*



*acquiring the power to lay down telegraph lines, the Central Government does not acquire any right other than that of user in the property. Further, Section 10(d) of the Indian Telegraph Act, 1885 obliges the Telegraph Authority to ensure that it causes as little damage as possible and that the Telegraph Authority shall also be obliged to pay full compensation to all person interested for any damage sustained by them by reason of the exercise of those powers.*

*“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.”*

Having regard to the facts and circumstances of the case, the submissions made by the learned counsel for the parties and taking into account the judgment rendered by the Hon'ble Apex Court in the case of Century Textiles & Industries Limited & ors. (supra), I do not find any merit in the



present writ petition, hence the same stands dismissed, however, with liberty to the petitioner to avail the remedies as provided for by the Hon’ble Apex Court in the aforesaid judgment passed in the case of Century Textiles & Industries Limited & ors. (supra).

**(Mohit Kumar Shah, J)**

S.Sb/-

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