

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17623 of 2019

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1. Birendra Tiwary, Son of Ram Kedar Tiwary, Resident of Village and P.O. and P.S.- Barahari, District- Rohtas.
 2. Umesh Kumar Rai, Son of late Laxhman Rai, Resident of Village and P.O. and P.S. Barahari, District- Rohtas.
 3. Ram Dular Tiwary, Son of late Ram Jatan Tiwary, Resident of Village and P.O. and P.S. Barahari, District- Rohtas.
 4. Kailash Tiwary, Son of late Ram Kedar Tiwary, Resident of Village and P.O. and P.S. Barahari, District- Rohtas.
 5. Sunil Kumar Rai, Son of Nathuni Rai, Resident of Village and P.O. and P.S. Barahari, District- Rohtas.
 6. Mukhtar Alam, Son of Firoj Alam, Resident of Village and P.O. and P.S. Barahari, District- Rohtas.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Ltd. through its Managing Director, Vidut Bhawan, Patna.
2. The South Bihar Power Distribution Company Ltd., through its Managing Director, Vidut Bhawan, Patna.
3. The Managing Director, South Bihar Power Distribution Company Ltd. Vidut Bhawan, Patna.
4. The Chief Engineer, South Bihar Power Distribution Company Ltd. Gaya.
5. The Superintending Engineer, Power Distribution Circle, Sasaram.
6. The Executive Engineer, Power Distribution Division, Sasaram.
7. The Assistant Engineer, Power Distribution Sub- Division, Karaghar, Rohtas, Sasaram.
8. The Junior Engineer, Power Distribution Sub-Division, Karaghar, Rohtas, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kanhaiya Pandey, Advocate.
For the Respondent/s : Mr. Vinay Kirti Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2020



Petitioners have prayed for the following relief(s):-

“i). The respondents may be directed to install the electric transformer on the main road in village-Barahari in Karaghar anchal of Rohtas district, and not shift it in the campus of a private rice mill owner.

ii) The respondents may be directed to take immediate steps upon the representation of the petitioners.

iii) Any other relief or reliefs may be allowed which will be just, proper and equitable on the opinion of this Hon’ble Court.”

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the Government level by the appropriate authorities.

After the matter was heard for some time, learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the respondent no. 2, namely, South Bihar Power Distribution Company Ltd. through its Managing Director, Vidyut Bhawan, Patna, to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such



a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioners to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e.



physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2020
Transmission Date	

