

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1408 of 2020

1. Ragini Jaiswal D/o Sri Lallu Lal Choudhary, resident of Mohalla- Dujra Main Road, Post- G.P.O, P.S.- Budha Calony, District- Patna.
2. Lallu Lal Choudhary, S/o Late Dwarika Prasad Choudhary, resident of Mohalla- Dujra Main Road, Post- G.P.O, P.S.- Budha Calony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Principle Secretary Energy Department, Govt. of Bihar, Patna.
2. The Chairman-Cum-Managing Director, Bihar State Power Holding Company, Ltd.
3. The Chief Managing Director, Bihar State Power (Holding) Co. Ltd. Vidyut Bhawan Baily Road, Patna.
4. The, Mission Director, Bihar Sasnik Sudhar Mission, Society, General Administrative Department, Sichai Barrek 1, Harding Road- 16, Patna. Near Haz Bhawan.
5. The, Additional Mission Director, Bihar Sasnik Sudhar Mission, Society, General Administrative Department, Sichai Barrek 1, Harding Road- 16, Patna. Near Haz Bhawan.
6. The, Divisional Commissioner-cum-First Appellate Authority Public Grievance Cell Patna.
7. The District Public Grievance Redressal Officer, Patna.
8. The Divisional Commissioner, Patna.
9. The Collector, Patna.
10. The S.D.O, Patna Sadar, Patna.
11. The Circle Officer, Patna Sadar, Patna.
12. The Assistant Electric Engineer, PESSU (West) Nutan Rajdhani, Anchal Patna.
13. The Executive Electric Engineer, PESSU (West) Nutan Rajdhani, Anchal Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey
For the Respondent/s : Mr.Rajiv Roy (Gp1)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 17-02-2020



Heard the learned counsel for the parties.

The petitioner is aggrieved by the action of Bihar State Power Holding Company Ltd. in erecting an electric pole on the land of the petitioner.

It has been submitted that on a complaint made by the petitioner before the Public Grievance Redressal Cell, the matter was taken up and during the aforesaid proceeding, the Power Holding Company agreed, in principle, that if an enclosure is made by the petitioner over his land and it is found that the electric pole falls within that enclosure, it shall be removed. When the petitioner tried to erect the enclosure to identify the land which belongs to him, there was a public outcry for some reason which the petitioner has not stated before this Court and the work of construction of the boundary wall had to be dropped. The matter travelled to the second appellate authority where the case was remitted to the Public Grievance Redressal Cell again for redressal of the grievances of the petitioner.



The stand of the Power Holding Company Limited is absolutely fair that in case the pole is found rooted in the land of the petitioner which is appurtenant to his residential premises, it shall be removed.

An enquiry also has been made whereby a report has been called for by the Circle Officer to ascertain whether the land which is claimed by the petitioner actually belongs to him. If it is found that the land belongs to the petitioner and there is no justification for keeping the electric pole within his residential premise, the State Power Holding Company Limited would be well advised and under an obligation to remove the same.

Needless to state that the aforesaid direction / observation would be dependent on its execution on the factum of the electric pole having been erected only on the land of the petitioner. If the facts as stated by the petitioner is found to be correct, then necessary steps shall be taken for redressal of his grievance within a period of three weeks from the date of production/receipt of a copy



of this order before the Chief Managing Director, Bihar State Power Holding Company Limited (Respondent No. 3).

The necessary uprooting of the pole would also be dependent on obtaining the necessary no-objection-certificate from the concerned District Magistrate.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	18.02.2020
Transmission Date	

