

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4039 of 2021

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Mukesh Kumar @ Pamaji, Son of Late Arjun Mahto, Resident of Village-Khawa, Post Office- Kiranpur, Police Station- Medni Chauki, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through District Magistrate, Lakhisarai.
2. The Executive Engineer, Electric Supply Division, Lakhisarai.
3. The Assistant Electrical Engineer, Vidyut Aapurti Awar Pramandal, Surajgarha.
4. The Sub- Divisional Officer, Public Grievance Redressal Cell, Lakhisarai, Sub- Division, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Surya Narayan Sah, Advocate
For the Respondent/s	:	Mr. Arun Kumar, AC to GP 1
For the Power Hording Co.	:	Dr. Anand Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- “(i) For issuance of appropriate writ(s), order(s), direction(s) especially in the nature of Mandamus commanding the respondent authorities to remove the Electric Pole from the land of petitioner, which has been fixed on the Raiyati land of the petitioner without his permission and without any authority.
- (ii) For issuance of appropriate writ(s), order(s), direction(s) commanding the respondent authorities to implement the order of Sub-Divisional Officer, Public Grievance Redressal Cell in case no. 525110231012000223, whereby direction has been given to Lok Pradhikar Assistant Electrical Engineer, Electric Supply Awar Pramandal, Surajgarha to remove the Electric Pole

with the help of manpower from the land of petitioner.

(iii) For issuance of appropriate writ(s), order(s), direction(s) commanding the respondent authorities to pay appropriate compensation to petitioner for the land used by the Electric Supply Division, Surajgarha without consent of petitioner.

(iv) For any other relief or reliefs to which the petitioner may be found entitled in the facts and circumstances of this Case.”

The High Court cannot be executing agency for the issue dealt with by the grievance redressal forum constituted by the respondents Electricity Board. Petitioner has an equally efficacious remedies under the provisions of the relevant statute, which he must resort to before filing the instant petition which, in our considered view, is totally misconceived.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

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

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner 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;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and

subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	