

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1917 of 2021

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Beni Madhav Singh, aged about 73 years, Male Son of Late Ganga Singh,
resident of Village - Khamidaura, P.O. and Police Station- Durgawati, District
- Kaimur.

... .. Petitioner/s

Versus

1. Union of India through Secretary, Ministry of Power, Shram Shakti Bhawan,
Rafi Marg, New Delhi- 110001.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Energy Department, Government of Bihar, Patna.
4. The District Magistrate, Kaimur.
5. Bihar State Power Holding Company Ltd. through its Managing Director,
Patna.
6. Managing Director, Bihar State Power Transmission Company Ltd. Patna.
7. Superintending Engineer, Electricity Department, Dehri.
8. The Executive Engineer, Electricity Department, Mohania, District -
Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s	:	Mr. Ratnesh Kumar, CGC
		Mr. K. K. Prasad, JC to CGC

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 03-12-2021

The matter has been heard *via* video conferencing.

Heard learned counsel for the parties.

The present writ petition has been filed directing the respondents not to erect/install Towers and lay overhead electric transmission line over the land of the petitioner bearing Khata No.



264, Plot No. 239 having total area of 2.84 acres situated at village Khamidaura (Kaimur).

The learned counsel for the respondents has relied upon a judgment of the Hon'ble Apex Court rendered 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.”

The learned counsel for the petitioner does not dispute the position in law, hence, he prays for grant of liberty to agitate his grievances elsewhere.

Having regard to the facts and circumstances of the case, the present writ petition is disposed of with liberty to the petitioner to avail such other remedies as are provided for under the law or as are provided for under the aforesaid judgment rendered by the Hon’ble Apex Court in the case of **Century Textiles & Industries Limited & Ors.** (Supra).

The present writ petition is disposed off on the aforesaid terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

P. Kumar/Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

