

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6644 of 2022

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Pankaj Kumar S/o Shri Amiya Kumar, R/o Village- Taret, P.O. and P.S.-
Naubatpur, District- Patna, presently residing at A/P. Plot No. 102, B- 49,
Sainik Nagar, Block- B, Uttam Nagar, West Delhi- PIN- 110059.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Energy, Government of Bihar, 8 Daroga Rai Path Patna.
3. Bihar Grid Company Limited through its General Manager, 2nd Floor, Alankar Palace, Boring Road, Patna.
4. The General Manager, Bihar Grid Company Limited, 2nd Floor, Alankar Palace, Boring Road, Patna.
5. Additional General Manager, Bihar Grid Company Limited, 2nd Floor, Alankar Palace, Boring Road, Patna.
6. South Bihar Power Distribution Company Limited through its Secretary having its office at Vidyut Bhawan, Bailey Road, Patna.
7. The Chief Engineer, South Bihar Power Distribution Power Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
8. S.D.O. (Electricity), South Bihar Power Distribution Power Company Ltd., Naubatpur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Respondent/s : Mr.Kinkar Kumar (Sc9)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 20-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- i. For issuance of a writ in the nature of mandamus commanding the respondents particularly the Bihar Grid Company Limited (hereinafter referred to as the 'BGCL') to abstain from illegal, malicious whimsical and colorable exercise of powers by hanging and passing high powered electrical equipments, conductors of 220

K/V capacity over the sole residential land of the petitioner situated at Khata No. 18, Plot No.1056, Mauja-Govindpur, Naubatpur, Patna.

- ii) To hold and declare that the huge and dangerous electrical equipments, conductors and other installations of 220 K/V capacity may be laid over adjoining surplus agriculture/government land and not over the sole and residential land of the petitioner.
- iii) For issuance of an appropriate writ in the nature of mandamus for restricting the respondents from hanging and passing huge/dangerous electrical equipments, conductors etc. on the sole residential plot of the petitioner and thereby depriving the right of property completely and an apprehension of health hazards to the petitioner and other resident of the family being injurious to health.
- iv) For issuance of a direction to the respondents to lay high tension wire huge/dangerous electrical equipments, conductors of 220 K/V capacity to nearby land either categorized as agricultural land in the vicinity or the government land.
- v) For any other relief which may be entitled in the eyes of law.

After the matter was heard for some time, finding the

Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the respondent no.4, **the General Manager, Bihar Grid Company Limited, 2nd Floor, Alankar Palace, Boring Road, Patna** 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 on 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) The order assigning reasons shall be communicated to the petitioner;

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

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) 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)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.06.2022
Transmission Date	NA