

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7114 of 2022

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Sanjiv Kumar Jha, Son of Late Ramakant Jha, Resident of Village and P.O.-
Sukki, P.S. Patepur, Dist-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Energy, Govt. of Bihar, Patna.
2. The Bihar State Power Transmission Co. Ltd. through its Managing, having its Office at 4th Floor, Vidyut Bhawan, Bailey Road, Patna.
3. The Managing Director, Bihar State Power Transmission Co. Ltd. 4th Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The General Manager-Cum-Chief Engineer Transmission Zone, Bihar State Power Transmission Co. Ltd. 4th Floor, Vidyut Bhawan, Bailey Road, Patna.
5. The Assistant Executive Engineer, Transmission Sub-Division Samastipur.
6. The District Magistrate Vaishali, Distt.-Vaishali.
7. The Managing Director, M/s R.S. Infra Projects Pvt. Ltd.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr.Kinkar Kumar, SC 9
		Mr. Ritesh 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 : 21-06-2022

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

“I) For issuance of writ of certiorari quashing the letter No. 55/Samastipur dtd. 22.4.2022 issued by Assistant Executive Engineer, 132/33 UV GSS, Transmission sub-Division, Samastipur by which the he without taking prior consent and without compensating for damage caused by cutting down Green Mango Trees and the loss of income generated from it every year to the



petitioner, has informed him that his land is being used for erecting the tower for Transmission of electricity and forcibly started digging hold in his land.

II) For issuance of writ of mandamus directing and commanding the respondents to consider the claim of the petitioner either to shift the transmission pole where there is no green trees so that environment could be protected in view of the Article 21 of the Constitution of India which protects not only the human rights but also cast an obligation on human beings to protect and preserve hygienic environment which is an integral facet of healthy life or if, it is not possible then after paying the compensation of the damage caused by cutting green mango trees, and loss of income generated from it every year which is only source of income of his livelihood and also the compensation of land which will be unfit for any work, erect the transmission pole.

III) For any other relief/reliefs for which the petitioner is entitled to.”

Learned counsel for the respondents, states that similar petition being **C.W.J.C. No. 10609 of 2020**, titled as **Sushma Kumari @ Sushma Devi Vs. The Managing Director, South Bihar Power Distribution Co. Ltd.**, was disposed of by a co-ordinate bench of this Court vide judgment dated 17.01.2022, and the present petition may also be disposed of in the light of the said petition.

Learned counsel for the petitioner has no objection to the same.



In view of the same, as mutually agreed, the instant petition stands disposed of in terms of the judgment dated **17.01.2022** passed by this Court in **C.W.J.C. No. 10609 of 2020** titled as **Sushma Kumari @ Sushma Devi Vs. The Managing Director, South Bihar Power Distribution Co. Ltd.**, making the directions issued therein applicable *mutatis mutandi*, to the extent possible also to the instant case.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	29.06.2022
Transmission Date	

