

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10387 of 2020

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Tulsi Sah Son of Late Santlal Sah Resident of Village- Mahdewapur, P.S.-
Sanhoula, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Addl. Chief Secretary, Revenue and Land Reforms Dept., Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collectors, Bhagalpur, District- Bhagalpur.
4. The Chairman, South Bihar Power Distribution, Patna, Bihar.
5. The Superintending Engineer, Electric Supply Division, Mayaganj, Bhagalpur, District- Bhagalpur.
6. The Assistant Engineer, Electric Supply, Sub Division, Kahalgaon, District- Bhagalpur.
7. The Junior Engineer, Electricity Board Supply Branch, Sanhoula, District- Bhagalpur.
8. Sri Vikash Kumar Ghosh Son of Late Amulya Ghosh Resident of Village- Dhuriya, P.S.- Sanhoula, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-11-2022 The present writ petition has been filed for directing

the respondents not to fix the electric pole diagonally through

the land of the petitioner situated at Mauza-Sanhoula, Thana No.

420, Anchal-Sanhoula, new Khata No. 599, Khesra No. 1183,

1955, area-1.02 acres, District-Bhagalpur.

The learned counsel for the respondents has at the

outset, relied upon a judgment rendered by the Hon'ble Apex



Court 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 judgment 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, as is existing 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 stands disposed off 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).

(Mohit Kumar Shah, J)

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