

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17357 of 2021

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1. 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.
 2. Ravi Roushan Kumar Choudhary, S/o Krishna Choudhary, Patel Gali, Ekangarsarai, P.O. and P.S.- Ekangarsarai, District - Nalanda PIN - 801301.

... .. 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

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr.Rajiv Roy (GP-1)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 09-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

- i. For issuance of a writ of mandamus commanding the respondents particularly the Bihar Grid Company Ltd. (hereinafter referred to as 'BGCL') to abstain from illegal, malicious, whimsical and colourable exercise of power by installation of electrical tower of 220K/V capacity over the sole residential land of the Petitioner no.1 and the commercial land of Petitioner no.2 situated in Khata No. 18, Plot No. 1056, Mauza Govindpur situated in Naubatpur, Patna.
- ii. To hold and declare that the electric towers of 220K/V capacity may easily be laid over adjoining surplus available agricultural land/Government lands and not over the sold residential land of Petitioner No.1 or commercial land of petitioner no.2.
- iii. For issuance of an appropriate writ in the nature of mandamus for restricting the respondents from making large holes for erecting poles on the sole residential plot of petitioner No. 1 and commercial plot of the petitioner No. 2 and thereby depriving the right of property completely and apprehension of health hazard to the petitioners and to other resident of the vicinity which is injurious to health.
- iv. For issuance of the direction to the respondents to lay high tension power lines with 220K/V capacity to nearby lands either categorized as agricultural land in the vicinity or the government land.
- v. For any other relief or reliefs for which the petitioner be found entitled in the eye of law."

After the matter was heard for some time, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to file a fresh petition, on the same and subsequent cause of action, if so required and desired.

Permission granted with liberty as prayed for.

Instant petition stands dismissed as withdrawn
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	