

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.15732 of 2019**

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Tetri Devi wife of Sri Birendra Singh resident of Village- Jamuk, Police Station and District- Jehanabad, presently residing at Mohalla- Horilganj, Near Karpuri Thakur Samudaeek Bhawan, Police Station and District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, Government of Bihar, Patna.
2. The Principal Secretary, Energy Department, Government of Bihar, Patna.
3. The Bihar State Power Transmission Company Ltd. through its Managing Director, Vidyut Bhawan, Bailey Road, Patna.
4. The Managing Director, The Bihar State Power Transmission Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
5. The Executive Engineer, The Bihar State Power Transmission Company Limited, Biharsharif, Nalanda.

... .. Respondent/s

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**Appearance :**

|                       |   |                                     |
|-----------------------|---|-------------------------------------|
| For the Petitioner/s  | : | Mr. Murari Prasad Sinha, Advocate   |
| For the State         | : | Mr. Abbas Haider, SC-6              |
| For the Company       | : | Mr. Vinay Kirti Singh, Sr. Advocate |
| For the Resp. No. 6-7 | : | Mr. Harendra Kumar Tiwary, Advocate |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 06-12-2022**

Re.: I.A.No. 01 of 2019



For the reasons mentioned in the application, the prayer made therein is allowed. Bihar Grid Company Limited through its Managing Director, 2<sup>nd</sup> Floor, Alankar Place, Boring Road, P.S.- Buddha Colony, Patna, District-Patna and Alok Kumar, Junior Engineer, Alankar Place Boring Road, Patna, P.S.-Budhha Colony, District Patna, Bihar are impleaded as party-Respondent Nos. 6 and 7.

Registry to make necessary correction in the memo of parties, both in the digital as well as physical file.

I.A. No. 01 of 2019 stands disposed of.

Re.: CWJC No. 15732 of 2019

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

“(i) for issuance of an appropriate writ/writs, direction/directions, order/orders directing and commanding the Respondent Bihar State Power Transmission Company Ltd. not to erect any tower over the raiyati land of the petitioner having Khata No. 322, Plot No. 1665, Area 5 decimal which she had purchased for construction of house vide registered sale deed dated 16.07.1987.

ii) for issuance of a further direction to the concerned Respondent to slightly shift the alignment of transmission line and reallocate the proposed lower from the land of the petitioner to the adjacent land which belongs to the State of Bihar.

iii) for payment of suitable compensation to the petitioner at the present market rate of the aforesaid



land in the event of any tower is erected on the land of the petitioner.

iv) for grant of any other relief/reliefs, writ/writs, order/orders, direction/directions as this Hon'ble Court may think fit and proper.”

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such equally, efficacious alternative remedies as are otherwise available in accordance with law.

Permission granted.

We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be agitated and adjudicated before the appropriate forum in accordance with law.

As and when such proceeding is initiated, the same shall be considered and decided expeditiously in accordance with law.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands



disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

avinash/Sujit

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