

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20388 of 2021

Awadhesh Kumar Singh, son of Late Ambika Prasad Singh, Resident of New Area, Maharajganj Road, P.O. and P.S.-Aurangabad, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Energy Department, Government of Bihar.
2. The Chairman, Bihar State Electricity Board, Bailey Road, Patna.
3. Chief Engineer, Supply, Bihar State Electricity Board, Bailey Road, Patna.
4. Superintending Engineer, Supply, Bihar State Electricity Board, Bailey Road, Gaya.
5. Executive Engineer, Bihar State Electricity Supply Division Karma Road, Aurangabad.
6. Assistant Engineer, Bihar State Electricity Supply Sub Division, Aurangabad.
7. Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kartik Kumar Sinha, Advocate
For the Respondent/s : Mr.Subhash Pd. Singh, GA-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2022

The petitioner has prayed for the following relief/s :-

- I) Direction to the Respondents No. 2 to 4 and 7 to take action against the Respondent No. 5 who have not taken any action on the representation dated 07.05.2014 Annexure-5, which has been filed on the direction passed in C.W.J.C. No. 16329 of 2012, by this Hon'ble Court.



- II) Direction may be issued against the Respondents for Compliance of the order dated 07.04.2014 passed in C.W.J.C. No. 16329 of 2012, by this Hon'ble Court.
- III) The Respondents have disobeyed the order passed by this Hon'ble Court, specially- in view of the order "However from perusal of Section 12(2) of the Electricity Act, it appears that consent of the owner for occupying would be required for placing any electric supply pole in such manner."
- IV) Specific direction may be issued for removal of Electric Pole from the land of the petitioner vide Plot No. 211 over Khata No. 4 of area 1.67 decimal in Mohalla- Naga Bigha, P.S and District- Aurangabad.
- V) For grant of any other relief/reliefs which may be deem fit and proper in facts and circumstances of the case.

Having heard learned counsel for the parties, we are of the considered view that the issue can be best resolved with the petitioner paying the amount in terms of the demands raised by the respondents, towards the cost to be incurred for shifting the electricity pole.

According to the petitioner certain amount stands paid



whereas according to the respondents sum of Rs.1,05,000/- (approximately) is yet required to be paid.

We dispose of the petition on the following terms :-

a) the respondent shall inform the petitioner, the outstanding amount which is required to be paid by the petitioner for shifting the electricity pole. This shall be done positively within a period of four weeks from today; and

b) if the petitioner depositing the amount within a reasonable period not later than three months, the electricity pole in question shall be shifted within a period not later than two months thereafter.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, also stands disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.08.2022
Transmission Date	

