

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22426 OF 2017

Minati Maharana

....

Petitioner

Mr. Jayadeba Behera, Advocate

-versus-

***CEO, TPCODL, Bhubaneswar and
others***

....

Opp. Parties

Mr. Bijaya Kumar Dash, Advocate
(For Opp. Party Nos.1 and 2)

Ms. Somalin Pattnaik, Advocate
(For Opp. Party No.3)

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
09.09.2022**

Order No.

9. 1. This matter is taken up through hybrid mode.
2. Ms. Pattnaik, learned counsel appearing for the Opposite Party No.3 submits that the Odisha Power Transmission Corporation Ltd. is not liable to pay any compensation to the Petitioner.
3. The grievance of the Petitioner in this writ petition is with regard to inaction of the Opposite Parties in shifting the pole of 11KV transmission line from her residential Plot Nos.288, 288/936, 289/887 under Khata No.142/168, Kisam Gharabari situated in Mouza Jagir Khairapati under Odagaon Tahasil in the district of Nayagarh.
4. It is submitted by Mr. Behera, learned counsel for the Petitioner that ventilating the grievance, the Petitioner had earlier approached this Court in W.P.(C) No.19893 of 2016, which was disposed of on 18th November, 2016 directing the Manager (Electrial), CESU, Nayagarh Electrical Division to

consider and dispose of the representation of the Petitioner dated 29th August, 2016 as expeditiously as possible preferably within a period of two months from the date of receipt of certified copy of this order. Pursuant to the direction of this Court, the Manager (Electrial), CESU, Nayagarh Electrical Division disposed of the representation of the Petitioner on 4th July, 2017 under Annexure-3 stating as under:

“The dispute arises by you for one no of pole which is of the above plot. But shifting of this pole in this stage will change total alignment of the line for which it is not possible for shifting of the pole. But the vertical clearance of the line is above 6mtr which is showing statutory electrical clearance for safety point of view as per CEA regulation-2010.

Hence, there is no danger to the any one's life due to this crossing of 33 KV line above plot. Accordingly, your application is disposed off.”

5. In view of such observation made by the Opposite Party No.2, it will not be justified to issue any direction in the writ petition as prayed for. However, the Petitioner is entitled to compensation for use of her land for the purpose of drawal of high tension line, as she is not in a position to construct her residential house thereon.

6. In that view of the matter, the writ petition is disposed of with an observation that if the Petitioner, so advised, may move appropriate authority for adequate compensation for utilization of her land.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge