

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.9279 of 2022

Bibhudatta Swain & others ***Petitioners***

-versus-

***Odisha Power Transmission
Corporation Limited (OPTCL) &
others*** ***Opposite Parties***

CORAM: JUSTICE S.PUJAHARI

**Order
No.**

**ORDER
18.05.2022**

02.

1. This matter is taken up through Hybrid mode.
2. Heard Ms. Deepali Mahapatra, learned counsel for the Petitioners and Mr. P.K. Mohanty, learned Senior Advocate being assisted by Mr. P. Mohanty, learned counsel for the Opposite Party No.1-OPTCL.
3. The grievance of the Petitioners in this writ petition is that without paying compensation, 132 KV electric line is going to be drawn over the land of the Petitioners for which work has already been started by the OPTCL. They have not assessed the compensation. In the absence of the same, the same shall affect the quantification of the compensation payable to the Petitioners as such they have come to this Court seeking a direction to the Opposite Party No.1-OPTCL to pay

compensation and be restrained them not to draw the line without following due process of law.

4. Needless to say that under the Telegraph Act, the authority is entitled to draw the electric line for which no consent is required but the party aggrieved is entitled to compensation. If the Petitioners are aggrieved and in their land the 132 KV electric line is being drawn and they have not been paid reasonable compensation, they can ventilate their grievance before the appropriate forum. But it goes without saying that definitely the Petitioners have right to get the compensation as per the Scheme of the Act.

5. Learned counsel for the Petitioners submits that if the compensation is to be paid to the Petitioners, she has no objection to progress the work but the verification of the field position be made immediately in presence of the Petitioners and a memorandum be drawn by both the parties, which is required for assessment of the compensation to be paid to the Petitioners.

6. Learned counsel for the Opposite Party No.2 seeks some time to obtain instruction in this regard.

7. Considering the limited grievance of the Petitioners, this Court disposes of the writ petition with a direction to the OPTCL-Opposite Party No.1 to have the spot verified as quickly as possible in presence of the Petitioners and keep the

photographs as well as the memorandum be drawn in this regard regarding the present position which is essential for assessment for the compensation. Till then OPTCL-Opposite Party No.1 shall not proceed with the work.

8. It is made clear that if the Petitioners in spite of the notice do not appear then there is no impediment on the part of the OPTCL-Opposite Party No.1 to proceed with the work after keeping the photographs of the same in presence of the independent witnesses of the locality.

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

(S. Pujahari)
Judge

PKS

