

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1407 of 2022

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Mahboob Hussain Son of Abdul Haque, Resident of Village - Sikmi, P.S.-
Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Energy), Government of Bihar, Patna.
2. The Managing Director, Bihar State Power Transmission Company Ltd.
3. The Chairman-cum-Managing Director, North Bihar Power Distribution Company, Patna, Bihar.
4. The District Magistrate, Gopalganj, District - Gopalganj.
5. The Sub-Divisional Officer, Gopalganj, District - Gopalganj.
6. The Circle Officer, Manjhagarh, District - Gopalganj.
7. M/S KEC International Ltd. Headquarter at Mumbai, RPG House 463, Dr. Anni Besent Road, Warli Mumbai - 400030.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 8401 of 2019

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Most. Lal Mani Devi Wife of Late Rajeshwar Singh Resident of Village-
Under Gram Panchayat Patahi, Saraiya, Block- Punpun, P.S.- Punpun, Sub
Division- Masauri District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Managing Director, South Bihar Power Distribution Company, Limited, Vidyut Bhawan, Baily Road, Patna
2. The Chairmen of South Bihar Power Distribution Company Limited, Vidyut Bhawan, Baily Road, Patna
3. The Principal Secretary, Bihar Energy Department, Patna.
4. The Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Baily Road, Patna.
5. The Chief Engineer, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Baily Road, Patna.
6. The District Magistrate Cum Collector, Patna
7. The Land acquisition Officer, Patna.
8. The Circle Officer Punpun
9. Bihar Grid Company Limited through its Managing Director, 2nd Floor, Alankar Place, Boring Road, P.S.- Buddha Colony, Patna, District- Patna.
10. N.K. Sharma, Senior General Manager, 2nd Floor, Alankar Place, Boring Road, P.S.- Buddha Colony, Patna, District- Patna.

... .. Respondent/s



with
Civil Writ Jurisdiction Case No. 1409 of 2022

Saheena Pravin @ Shahina Praween Wife of Merajuddin Ahmad, Resident of Village - Tirbirwan, P.S. - Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Energy), Government of Bihar, Patna.
2. The Managing Director, Bihar State Power Transmission Company Ltd.
3. The Chairman - Cum - Managing Director, North Bihar Power Distribution Company, Patna, Bihar.
4. The District Magistrate, Gopalganj, District - Gopalganj.
5. The Sub-Divisional Officer, Gopalganj, District - Gopalganj.
6. The Circle Officer, Manjhagarh, District - Gopalganj.
7. M/s KEC International Ltd. Headquarter at Mumbai, RPG House 463, Dr. Anni Besent Road, Warli Mumbai - 400030.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 1564 of 2022

Md. Zaharuddin @ Jahroodin Son of Ek. Babu (wrongly mention in the Aadhar Card as 92 years) Resident of Village- Sikmi, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Energy), Government of Bihar, Patna.
2. The Managing Director, Bihar State Power Transmission Company Ltd.
3. The Chairman-cum-Managing Director, North Bihar Power Distribution Company, Patna, Bihar.
4. The District Magistrate, Gopalganj, District- Gopalganj.
5. The Sub-Divisional Officer, Gopalganj, District- Gopalganj.
6. The Circle Officer, Manjhagarh, District- Gopalganj.
7. M/s KEC International Ltd. Headquarter at Mumbai, RPG House 463, Dr. Anni Besant Road, Warli Mumbai- 400030.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 1587 of 2022



Abdul Mannan Son of Shekh Nathuni Miyan Resident of Village- Sikmi, P.S.-
Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Energy), Government of Bihar, Patna.
2. The Managing Director, Bihar State Power Transmission Company Ltd.
3. The Chairman-cum- Managing Director, North Bihar Power Distribution Company, Patna, Bihar.
4. The District Magistrate, Gopalganj, District- Gopalganj.
5. The Sub- Divisional Officer, Gopalganj, District- Gopalganj.
6. The Circle Officer, Manjhagarh, District- Gopalganj.
7. M/S KEC International Ltd. Headquarter at Mumbai, RPG House 463, Dr. Anni Besent Road, Warli Mumbai- 400030.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 1610 of 2022

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Shekh Mulajim @ Md. Malazim son of Late Shekh Ikavasta, Resident of
Village-Sikmi, P.S.-Manjhagarh, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Energy), Government of Bihar, Patna.
2. The Managing Director, Bihar State Power Transmission Company Ltd.
3. The Chairman-cum-Managing Director, North Bihar Power Distribution Company, Patna, Bihar.
4. The District Magistrate, Gopalganj, District-Gopalganj.
5. The Sub-Divisional Officer, Gopalganj, District-Gopalganj.
6. The Circle Officer, Manjhagarh, District-Gopalganj.
7. M/S KEC International Ltd., Headquarter at Mumbai, RPG House 463, Dr. Anni Besent Road, Warli Mumbai-400030.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 3410 of 2022

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1. Haidar Ali @ Haider Ali Son of Maksood Alam Resident of Village-
Chhawahi Sikmi, P.S.- Manjhagarh, District- Gopalganj.
2. Abdul Gaffar @ Khalikul Jama Son of Shekh Yasin Resident of Village-
Chhawahi Sikmi, P.S.- Manjhagarh, District- Gopalganj.



... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Energy), Government of Bihar, Patna.
2. The Managing Director, Bihar State Power Transmission Company Ltd.
3. The District Magistrate, Gopalganj, District- Gopalganj.
4. M/s KEC International Ltd. Headquarter at Mumbai, Patna Office, Flat No.102, House No.11, Shail Maheshwari Apartment, Near Thakur Prasad Community Hall, Kidwaipuri, Patna- 800001.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1407 of 2022)

For the Petitioner/s : Mr.Mohammad Sufyan, Advocate
 For the Respondent/s : Mr.Abbas Haider (SC 6)
 For the BSPTCL : Mr.Lalit Kishore, Sr. Advocate
 Mr.Ritesh Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 8401 of 2019)

For the Petitioner/s : Mr.Shekhar Kumar Singh, Advocate
 For Res. Nos.9 & 10 : Mr.Harendra Kumar Tiwary, Advocate
 For the State : Mr.K.Kumar, SC 9
 For the Res.Nos. 1 to 5 : Dr.Kislay, Advocate

(In Civil Writ Jurisdiction Case No. 1409 of 2022)

For the Petitioner/s : Mr.Mohammad Sufyan, Advocate
 For the Respondent/s : Mr.Subhash Pd. Singh (Ga3)
 For the BSPTCL : Mr.Lalit Kishore, Sr. Advocate
 Mr.Ritesh Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 1564 of 2022)

For the Petitioner/s : Mr.Mohammad Sufyan, Advocate
 For the Respondent/s : Mr.Subhash Pd. Singh, Advocate
 For the BSPTCL : Mr.Lalit Kishore, Sr. Advocate
 Mr.Ritesh Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 1587 of 2022)

For the Petitioner/s : Mr.Mohammad Sufyan, Advocate
 For the Respondent/s : Mr.Abbas Haider (SC 6)
 For the BSPTCL : Mr.Lalit Kishore, Sr. Advocate
 Mr.Ritesh Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 1610 of 2022)

For the Petitioner/s : Mr.Mohammad Sufyan, Advocate
 For the Respondent/s : Mr.Abbas Haider (SC 6)
 For the BSPTCL : Mr.Lalit Kishore, Sr. Advocate
 Mr.Ritesh Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 3410 of 2022)

For the Petitioner/s : Mr.Anuj Kumar
 For the Respondent/s : Mr.Yogendra Pd. Sinha (AAG 7)
 For the BSPTCL : Mr.Lalit Kishore, Sr. Advocate
 Mr.Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA



ORAL ORDER

8 13-03-2023

CWJC No.1407 of 2022

Learned counsel for the petitioner admits that the tower has already been erected on the land and part of the compensation has been paid to him, however, he claims additional amount.

2. Keeping in view the provisions of the Indian Telegraphic Act, 1885 and the Electricity Act, 2003, the petitioner has statutory remedy to make a reference before the concerned District Judge, who can examine the claim and pass suitable orders accordingly.

3. Granting liberty to the petitioner as aforesaid, the writ petition stands dismissed as not maintainable.

4. Interlocutory Application, if any, shall stand disposed of.

CWJC No.8401 of 2019

5. Learned counsel for the petitioner submits that the petitioner has not been paid a single penny as compensation.

6. Per contra, learned counsel appearing for the Company states that as on date, no work has commenced on the land of the petitioner. He submits that if any pole is constructed on the said land and the extension line is drawn over and above the property of the petitioner, suitable compensation shall be



awarded.

7. Learned counsel for the petitioner submits that the compensation should be awarded to him as per the existing norms.

8. This Court is of the firm opinion that the issue with regard to the amount of the compensation to be paid is to be adjudicated exclusively by the concerned District Judge upon a reference being made, if the concerned party is dissatisfied with the compensation already offered to him. Upon such reference being made, the District Judge shall examine and pass suitable orders. The writ petition in this regard is not maintainable. This Court is also of the view that the writ petition is premature.

9. In view of the above, the writ petition is dismissed with aforesaid liberty.

10. Interlocutory Application, if any, shall stand disposed of.

CWJC No.1409 of 2022

CWJC No.1564 of 2022

CWJC No.1587 of 2022

CWJC No.1610 of 2022

CWJC No.3410 of 2022

11. Learned counsel for the petitioners prays to withdraw the writ petitions with liberty to take up the matter before the concerned District Judge and make a reference for



claiming compensation with respect to the erection of electricity poles for high tension line in terms of the India Telegraphic Act, 1885 and the Electricity Act, 2003. He also submits that in terms of the circular issued by the Central Government of 2015, the compensation should be awarded to him accordingly.

12. While granting liberty to the petitioners to withdraw these petitions, it is observed that the learned concerned District Judge shall examine the aspects and also consider whether the compensation is to be paid in terms of the Circular of 2015 or as per the original provisions.

13. The respective parties shall be free to take up all the pleadings before the concerned District Judge.

14. The District Judge would also be empowered to examine whether the interest is required to be paid on the amount.

15. The writ petitions are dismissed as withdrawn with aforesaid liberty.

(Sanjeev Prakash Sharma, J)

Chn/-
Item Nos.34 to
34.6

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