

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5274 of 2023**

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Chandra Raj Gupta S/o Sri Panna Lal Bumwal, R/o Badi Bajar, Munger,  
Bihar - 811201.

... .. Petitioner/s

Versus

1. The Chairman National Highways Authority of India New Delhi.
2. The Project Director, Project Implementation Unit of National Highways Authority of India, Munger, District - Munger, Bihar.
3. The Chairman cum Managing Director, Bihar State Power Transmission Company Ltd., Vidyut Bhawan, Patna, Bihar.
4. The Vidyut Karyapalak Abhiyanta, Bihar State Power Transmission Company Ltd, Munger, District - Munger, Bihar.
5. The Managing Director, M/S Chaitanya Projects Consultancy Pvt Ltd., Patna, Bihar.
6. The Director, M/S SP Singla Construction Pvt. Ltd., Munger, Bihar.
7. Circle Officer, Munger, District - Munger.
8. The State of Bihar through the Principal Secretary Energy Department, Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------|
| For the Petitioner/s | : | Mr.Jainandra Kumar, Adv.   |
| For the State        | : | Mr. Shiv Kumar, AC to GA-3 |
| For the NHAI         | : | Dr. Anand Kumar, Adv.      |
|                      |   | Mr. Ramesh Gupta, Adv.     |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL JUDGMENT**

**Date : 16-10-2023**

Heard the Ld. Counsel for the petitioner as also the Ld.  
Counsel for the Respondent Company, who is connected online,  
leading to the present case being heard by Hybrid mode.



2. The present writ petition has been filed for directing the Respondents to justify as to how 132 K.V. electricity line tower has been installed in the plot / premises, situated at Khata No. 28, Khesra No. 19, Mauza-Milkichak, Circle-Munger, District-Munger, which the petitioner has purchased in the name of his wife, who is no longer alive and further to direct the Respondents to remove the same.

3. The leaned counsel for the petitioner has submitted that the Respondent No. 2 has installed 132 K.V. electricity transmission tower on the aforesaid plot of the petitioner, without either intimating him or without taking his permission, hence, the same is illegal.

4. Per contra, the learned counsel for the Respondent-Bihar State Power Transmission Company Ltd. (herein after referred to as the 'Company') has submitted that a Rail-cum-Road Bridge between Munger (NH-80) and Begusarai (NH-30) towards Munger has been constructed by the National Highway Authority of India (hereinafter referred to as "the NHAI"), resulting in decreasing of the clearance between the existing bottom conductor of 132 K.V. S/C Jamalpur-Tarapur transmission line to the top level of the road, hence, the NHAI had requested the Respondents-Company, vide letter dated



1.3.2021, to raise the height of the said transmission line, whereafter an estimate was prepared for the said purpose by the Technical Section and a project plan was also submitted before the NHAI, Munger, for raising the height of the transmission line in question, which was then approved by the competent authority, vide letter dated 11.1.2022, issued by the Chief Engineer (Project-II), BSPTCL, Patna. It is also submitted that at the time, the electricity transmission tower was being erected, there was no tin shed in the plot in question i.e. in the month of June, 2022, when the NHAI had started the civil foundation work. It is also submitted that the plot in question exists in the transmission line corridor and the plot is just behind the tower location no. 242 of the transmission line in question, therefore, an electricity safety information notice was served by the local authorities of BSPTCL upon the petitioner to make him aware about the electrical safety norms during the course of carrying out of construction work on the plot in question and the authorities of the Respondent Company had also met the petitioner with regard to the shifting work, whereafter the shifting work was done in presence of the District Administration and the District Police Personnel. It is next contended that the officials of the Respondents-Company had



also asked the NHAI officials to pay compensation to the petitioner.

5. The learned counsel for the Respondents-Company has also contended that the plot in question already exists in the transmission line corridor and the said transmission line is in existence since about 47 years as also the plot in question is behind the tower location no. 242, however, for the purposes of shifting and raising the height of the existing transmission line, 3 new towers were required to be erected, resulting in some portion of the new tower, at location no. 242, falling within the plot of the petitioner. It is submitted that the foundation work in question was completed by NHAI in in the month June, 2022, for connecting tower no. 241 with tower no. 243 and for the said purpose, a new tower at location no. 242 was also erected, part of which falls within the plot in question. It is also contended that severe power crisis was being faced by the residents of Tarapur due to non-functioning of the transmission line since 10.6.2022 on account of low clearance of the transmission line in question, hence, it was necessary to shift and raise the height of the existing transmission line in question, thus, the new tower was erected, portion whereof falls within the plot of the petitioner herein.



6. The learned counsel for the Respondents-Company has next relied upon a judgment, rendered by the Hon'ble Apex Court in the case of ***Power Grid Corporation of India Limited vs. Century Textiles & Industries Limited & Ors.***, reported in 2017(2) PLJR (SC)152. The learned counsel for the respondents-Company seeks to rely upon paragraph nos. 21 and 26 of the said judgments passed in the case of ***Century Textiles & Industries Limited & Ors.*** (supra), which are quoted herein below:-

“21. Section 10 of the Indian Telegraph Act, 1885 empowers the Telegraph Authority to place and maintain a telegraph line under, over, along or across and posts in or upon any immovable property. The provision of Section 10(b) of the Indian Telegraph Act, 1885, makes it abundantly clear that while acquiring the power to lay down telegraph lines, the Central Government does not acquire any right other than that of user in the property. Further, Section 10(d) of the Indian Telegraph Act, 1885 obliges the Telegraph Authority to ensure that it causes as little damage as possible and that the Telegraph Authority shall also be obliged to pay full compensation to all person interested for any damage sustained by them by reason of the exercise of those powers.

“26. These are sufficient reasons to allow Civil



Appeal No. 10951 of 2016 preferred by the Power Grid by setting aside those directions. Ordered accordingly. We make it clear that if the writ petitioner feels that it is entitled to any compensation, the appropriate course of action is to file a suit before the concerned District Judge for this purpose. It would also be apt to point out at this stage that the Central Government has framed guidelines dated October 15, 2015 in this behalf which inter alia provide that the issue of compensation may be resolved having regard to the mode and manner of assessment of compensation as per the said guidelines. Therefore, it would always be open to the writ petitioner to avail the remedy as per the said guidelines.”

7. The learned counsel for the petitioner does not dispute the position in law, hence, he prays for grant of liberty to agitate his grievances elsewhere.

8. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to avail such other remedies as are provided for under the law or as are provided for under the aforesaid judgment rendered by the Hon’ble Apex Court in the case of ***Century Textiles & Industries Limited & Ors.*** (Supra).



9. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

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| AFR/NAFR          | NAFR       |
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