

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2117 of 2017

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Brinda Kumar Singh Son of Late Tarkeshwar Prasad Singh, resident of village
- Karma Hagwan, P.S. Aurangabad and District - Aurangabad

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary Ministry of Power of Energy, Government of India, New Delhi.
2. The General Manager, Power Greed Corporation of India Limited (Government of India Under taking), Mohalla- Rajbansi Nagar, Patna, Bihar.
3. The Manager, Power Greed Corporation of India Limited (Government of India Under taking), 765/400/ 220 K.V., Gaya Sub Centre at village- Bara, Gaya Dobhi Road, Near Matihani Camp, P.O.- Sahdeo Khap, Bodh Gaya, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Advocate

For the Respondent/s : Mr. S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 11-04-2023 The present writ petition has been filed seeking the following relief:-

"That this writ petition is being filed for direction to the concerned authority/Respondent to pay the approx amount Rs.25,00,000/- (Twenty Five lac rupees) together with interest for the damages of trees over the land of petitioner detailed being given here in the petitioner for installation of high tension wire."



2. At the outset, learned counsel for the Corporation/Electricity Company has 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 seeks to rely upon paragraph nos. 21 and 26 of the said judgment 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.”

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

4. Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to the petitioner to avail such other remedies as are otherwise provided for under the law or as has been indicated in the aforesaid judgment rendered by the Hon’ble Apex Court in the



case of *Century Textiles & Industries Limited & Ors. (Supra)*.

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

(Mohit Kumar Shah, J)

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