

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.690 of 2021

In
Civil Writ Jurisdiction Case No.6851 of 2021

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Bishweshwar Narayan Bhagat S/o Late Yamuna Prasad Bhagat, R/o Patel
Chwok, PS Katihar, District - Katihar

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary Energy Department New Secretariat Patna
2. The Chief Manager, Vidyut Bhawan, Jawaharlal Neharu Marg, Patna.
3. The District Magistrate Katihar.
4. The G.M. Bihar Grid Company Limited Vidyut Bhawan, Jawaharlal Neharu Marg, Patna.
5. A.G.M., Bihar Grid Company Ltd., Alankar Place, Second Floor, Boaring, Patna, PS Budhhu Colony, Patna, District-Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Aditya Shankar Prasad, Advocate Mr. Sanchay Srivastava, Advocate Mr. Saurav Suman, Advocate Mr. Aalekh Anand, Advocate Mr. Sushant Srivastava, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha (AAG7) Mr. Harendra Kumar Tiwary, Advocate Mr. Rakesh Ambastha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 19-01-2023

Heard Mr. Aditya Shankar Prasad assisted by Mr.
Sanchay Srivastava, learned Advocates, Mr. Harendra Kumar
Tiwary for Bihar Grid Company Limited and Mr. Rakesh
Ambastha for the State.



The appellant is the land owner, on whose land the respondent no. 4 and 5/Bihar Grid Company Limited has proposed to erect a tower for completing the transmission line of electricity.

The contention of the appellant before the learned Single Judge was that this could have been avoided by shifting the situs to a nearby plot which is by the side of the road which would not have created any resistance in the transmission of the electrical energy. Another via media was suggested by the appellant that for the stretch of the wire which would otherwise be strung overhead on the land of the appellant, for such stretch, the Grid Company could consider taking/firing the wire underground.

Both of these suggestions did not find favour with the learned Single Judge.

The reason for rejecting such proposal was the stand of the Bihar Grid Company Limited that for laying such high tensile wires for such a long distance which in this case is 200 metres, it has to be, as far as possible, in a straight line. Any deviation would cause loss of electrical energy.



It has further been submitted on behalf of the Bihar Grid Company Limited that out of 69 towers which were proposed to be erected for the transmission line, 67 towers have already been erected. Any deviation in the plan at this stage, even if it causes some difficulty for one of the land owners through whose land the electric line would be strung, the same cannot be changed.

The suggestion of the appellant that for that stretch, the Grid Company could have thought of underground wiring is also not acceptable for the reason that if major part of the transmission line which is to be laid, is overhead, then for a small stretch, it would be simply impracticable to make it underground.

On these grounds, the learned Single Judge had rejected the contention of the appellant.

We do not find any reason to interfere with the same.

At this point, Mr. Aditya Shankar Prasad, learned Advocate addressing this Court has invited our attention to the fact that the ratio of a judgment which has been relied upon by the learned Single Judge does not apply to the facts of this case.



We do not wish to get into that issue for the reason that we do not find the contention of the appellant to be acceptable for the reasons that we have noted above.

We have noticed that the learned Single Judge has taken note of the fact that in case the appellant would like to be restituted/compensated, there is a procedure delineated for it which could be invoked by him as and when he desires. We agree.

The appeal stands disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2023
Transmission Date	

