

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17250 of 2022

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Bhagwan Kumar Mahto S/o Basudeo Mahto, Resident of Vill.- Dumari
Chhapiya, P.S.- Taraiya, District- Saran at Chhapra ... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Bailey Road, Patna.
 2. The Principal Secretary, Home Department, Government of Bihar, Patna.
 3. The Principal Secretary, Land Reform and Revenue Department, Government of Bihar, Patna.
 4. The District Magistrate-cum- Collector, Saran at Chhapra.
 5. The Sub- Divisional Officer, Marhowrah, Saran at Chhapra.
 6. The Deputy Collector Land Reforms, Marhowrah, Saran at Chhapra.
 7. The Circle Officer, Ishuapur, Saran at Chhapra.
 8. The Secretary, North Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna, Bihar.
 9. The Executive Engineer, North Bihar Power Distribution Company Ltd., Saran at Chhapra.
 10. The Sub- Divisional Officer, North Bihar Power Distribution Company Ltd., Electricity Department, Marhowrah, Saran at Chhapra. ... Respondents
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Appearance :

For the Petitioner : Mr.Rananjay Kumar, Adv.

For the Respondents : Mr.Sheo Shankar Prasad (Sc8)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 05-12-2023 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the following reliefs :

“..... for issuance of appropriate writ/writs, order/orders, direction/directions and writ in the nature of certiorari to set aside the order dated 22.02.22 passed by Electrical Executive Engineer, Electric Supply Division, Chhapra (East) and writ in the nature of mandamus commanding the respondents to shift Electric Power Sub-Station from thickly populated village Dumari Chhapiya through which only road for villagers passes and / or any other relief/reliefs for which the petitioner is entitled.”



3. Learned counsel for the petitioner has stated that the authorities without verifying the fact that the Electric Power Sub-Station which was sought to be constructed is in a thickly populated village and blocking the road through which the ingress and egress of the petitioner and other villagers is severely hampered are going ahead with the said construction. Even though the villagers have raised objections for the said construction, the authority concerned have not considered the same and are going ahead with the construction. That in spite of making several requests to the authorities, the authorities are not paying any heed to the request made by the petitioner. Further, it is stated that on earlier occasion the petitioner had approached this Hon'ble Court by way of Public Interest Litigation and this Hon'ble Court while disposing off the said Public Interest Litigation had directed the petitioner to approach the authorities by way of representation. Pursuant to the said direction the petitioner had made a representation to the authority concerned, but, they have not dealt with the same and rejected the said representation in a cryptic and mechanical manner. Learned counsel has stated that the construction of the Electric Power Sub-Station in the middle of the village and adjacent to the



houses is a health hazard and the construction would hamper the ingress and egress of the villagers, therefore, prayed this Hon'ble Court to set aside the impugned order and pass necessary orders for shifting the Electric Power Sub-Station to some other location.

4. In the counter affidavit filed by the respondents it is specifically stated that the authorities concerned duly taking into consideration the local needs of the villager and also the heavy demands for agriculture needs have come-up with the proposal of construction of Electric Power Sub-Station. Learned counsel for the respondents has stated that on the request made by the authorities, the revenue authorities have allotted the land which is a Government land that neither the petitioner nor the villagers have any right over the said land.

6. That the land which is allotted to the respondents for the purpose of construction of Electric Power Sub-Station is a Government land and free from any encumbrance. That the construction of the Electric Power Sub-Station will ensure benefit to a large number of farmers and other villagers. That there is no element of any public interest in the present writ petition which warrants any interference. That by constructing the Electric Power Sub-Station, the same will not only benefit



the villagers but also the adjoining farmers in other villages also. That for better and smooth distribution of electricity, a Power Sub-Station is necessary. That the interest of the public far out weigh the interest of individual writ petitioner. That the authorities concerned have passed a reasoned order giving cogent and valid grounds for rejecting the representation made by the petitioner, learned counsel has therefore prayed this Hon'ble Court to dismiss the present writ petition.

7. Learned counsel has relied on the judgment of the Hon'ble Supreme Court in the case of **Power Grid Corporation of India Ltd. Vrs. Century Textiles and Industries Ltd & Ors.**, reported in **(2017) 5 SCC, 143**.

8. Admittedly, in the particular case, as seen from the records, the Electric Power Sub-Station is being constructed by the respondent-authorities in a Government land. The authorities concerned duly taking into account the needs and demands of the villagers and the farmers have come-up with a proposal to construct the Electric Power Sub-Station and to that effect have made a requisition to the revenue authorities. The revenue authorities after due consideration have allotted the subject property to the respondents for the purpose of constructing the Electric Power Sub-Station. Admittedly, the



nature of the aforesaid allotted land is a Government land and it is not the case of the petitioner that the authorities are constructing in a private land belonging to the petitioner. Moreover, on an earlier occasion, this Court was not inclined to entertain the CWJC filed by the petitioner and disposed off the same directing the petitioner to make a representation to the authority. It is necessary to extract the findings of the Division Bench :

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. respondent no. 9- Executive Engineer, North East Power Distribution Company Ltd., Saran, Chapra, to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

9. Pursuant to the said direction the petitioner has made a representation and the impugned order is passed by the authority concerned. A perusal of the impugned order reveals that the authorities have rejected the representation made by the petitioner on the ground that large number of villagers as well as adjoining farmers from different villages will be benefited by the construction of the Electric Power Sub-Station. The order is a well reasoned order and it can not be said that the same is a



cryptic one. Except making a bald statement that the construction of the Electric Power Sub-Station is harmful, the petitioner has not filed any proof in support of his allegation. It is pertinent to note that except the petitioner no other villagers has come forward to file the present CWJC. Therefore, it has to be necessarily concluded that the villagers are not averse to the construction of the Electric Power Sub-Station.

10. Therefore this Court does not find any merit in the present writ petition which warrants any interference by this Court unless and until the petitioner establishes that his individual rights are being affected no relief can be granted under Article 226 of the Constitution of India and the present CWJC is misconceived. As seen from the record the public interest far out weight the interest of the individual petitioner. The writ petition is devoid of merit and the same is accordingly **dismissed**.

(A. Abhishek Reddy , J)

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