

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-17274-2014 (O&M)
Date of decision:30.10.2023

Dhandev Singh Dhillon

...Petitioner

V/s.

Union of India and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA

Present: None for the petitioner.

Ms. Lavanya Paul, DAG, Punjab.

Ms. Somaya Goyal, Advocate for respondent No. 2.

Mr. Vikas Chatrath and
Mr. Rajbir Singh, Advocates for respondent No. 3.

Ritu Bahri, Acting Chief Justice

CM-6747-CWP-2023

Application for placing on record affidavit dated 13.04.2023 on behalf of respondent No. 2 is allowed and the same is taken on record.

CWP-17274-2014

2. The petitioner is seeking direction to the respondents to resolve the grievances of the petitioners and residents of the area by removing health hazards created by high power transmission lines which are dangerous for human existence and further prayer is to issue writ of mandamus directing the respondents to remove or relocate the high voltage transmission lines from proximity of the village to the distance where residents of the village are not exposed to a magnetic field above 2 Milligauss and Static Electricity of 100 amps as per provisions of Rule 88(3) of Central Electricity Authority

Rules, 2010.

3. On notice of this petition, reply by way of short affidavit of Varun Roojam, I.A.S., Deputy Commissioner, Patiala on behalf of respondent No. 4 dated 05.12.2014 had been filed. It is stated therein that a report was sought from the Additional Superintending Engineer/P&M Division, Punjab State Transmission Corporation Ltd. Ablowal, Patiala. The report was sent vide letter dated 09.11.2012. As per point No. 3 of the report, it was found that there can be any mishap at any time. After due consideration, it was written to the Chairman-cum-Managing Director, Punjab State Transmission Corporation Ltd. Patiala (Punjab) vide letter No. 581/DDPO/Reader dated 28.10.2014 (Annexure R-4/1) to take immediate step to save human life.

4. A separate written statement on behalf of respondent No. 2 dated 30.11.2014 had been filed by the Chief Manager, Powergrid, Patiala. It is stated in the preliminary objections that the properties of the petitioner are away from the main abadi of village Khalifewala and falls near one of the already constructed established and charged 400KV D/C Patiala-Ludhiana transmission line which was commissioned in the year 2011 after taking requisite approvals from the concerned authorities. This transmission line satisfies the distance parameters to be observed even from the building/construction which is being raised near the transmission line and it is not permissible to raise construction near the transmission lines which are already charged as per the rules and laws governing the transmission of electricity. The petitioner has his own farm house in the nearby area from where the transmission lines in question are passing through. The transmission lines have been constructed in larger public interest for providing electricity of Central Pool to the State of Punjab and he alleges to be hazardous of the residents of the village.

5. In response to the letters sent by the petitioner, the respondents have already replied stating that the transmission lines in question confirms to the Act and Rules relating to safety standards and the lines have been constructed and charged after taking due approval of the concerned authorities.

6. The details of the lines routed near Khalifewala village are as under:-

1. 400KV D/C Nalagarh-Patiala-Kaithal ckt-1(LILO)-Line length-93.78 km & 126 km.
Date of commissioning/charging-21.09.2005
2. 400KV Patiala-Malerkotla line-Line length-62.5 km.
Date of commissioning/charging-21.09.2005
3. 400KV Patiala-Ludhiana D/C Line-Line length-73 km
Date of commissioning/charging-30.09.2011
4. 400KV D/C Nalagarh-Patiala-Kaithal ckt-2(LILO)-Line length-93.78 km & 126 km.
Date of commissioning/charging-25.08.2011

7. The sketch of the above four 400 kv transmission lines drawn on the google map is annexed as Annexure R-2/1. As per the sketch, the closest distance of 30 meters from one of the transmission lines is the safe distance as per the rules. In 2010, the Central Electricity Authority constituted under the Electricity Act, 2003 had notified the Central environmental aspects. Every possible effort is made to avoid large habitations and densely populated areas and in the present case, there is no line passing through the village abadi and is at a safe distance thereof. Further, the reports relied upon by the petitioner (Annexures P-2, P-3 and P-5) have been considered by the National Green Tribunal (in short “NGT”) in the case of “***Gaur Green City Residents Welfare Association vs. The State of U.P. and others***” and held that the guidelines of WHO specifically show that extremely low frequency electro-magnetic fields are not hazardous to human health. A copy of the order dated 21.08.2023 passed by NGT is

attached herewith as Annexure R-2/2. In the case before the NGT, it was the sub-station which was alleged to be health hazardous by the petitioner therein. However, in the present case, it is just a transmission line. The sub-station houses, all transmission lines terminating or originating as well as other apparatus such as big transformers, circuit breakers, reactors, current transformers, voltage transformers etc. Moreover, officers and staff of the respondent-corporation who work inside the sub-stations reside there alongwith their families and are at a lesser distance from the transmission lines and other apparatus than the distance between the lines and the houses but no health hazard or any other problem has ever been reported by them. The sub-station attached to the transmission lines in dispute in the present case is at a distance of one kilometre from the village Khalifewala and around 40 persons including staff are residing therein.

8. It is further stated in the written statement dated 30.11.2014 that respondent No. 2 has taken necessary approval under Section 68 of the Electricity Act, 2003. The approval dated 17.06.2008 and 16.12.2008 are attached as Annexure R-2/3 (colly). Respondent No. 2 has also taken approval for energization from the Electrical Inspector, Central Electricity Authority, New Delhi. Copy of approval dated 29.09.2011 and 14.09.2005 are attached as Annexure R-2/4 (colly). It is further stated therein that respondent No. 2 is notified under Section 164 of the Electricity Act, 2003 as a telegraph authority and is not required to take consent of owners under rules 3(4) of the said rules. The notification dated 24.12.2003 issued by the Ministry of Power authorizing respondent No. 2 to exercise all powers under the Telegraph Act is attached as Annexure R-2/5.

9. Vide letter dated 14.12.2011 (Annexure P-14), respondent No. 2 informed the petitioner that 400kv POWERGRID lines have been

constructed as per Indian Electricity Rules and aligned in such a way to avoid village and densely inhabited areas. Electricity and magnetic fields are within limits as per International Practice and guidelines (i.e. Electric Field levels not exceeding 5KV/m and magnetic field levels not exceeding 100 micro Tesla at edge of ROW as per International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines). There is no health hazard or any other problem due to transmission lines of Corporation which are at safe distance from the main abadi of village Khalifewala.

10. Affidavit of the Chief Manager, Patiala, Sub-Station, POWERGRID dated 13.04.2023 is placed on record. In this affidavit, reference has been made to order dated 18.05.2015 passed by this Court. Relevant portion of the said order is as under:-

“In the meanwhile, respondents are directed not to permit any person to raise construction on the restricted area near the electric lines and if any, person has unauthorisedly constructed after erecting the transmission lines, the same may be removed in accordance with law.”

11. Thereafter, this Court vide order dated 27.09.2022 directed the respondents to file latest action taken report as well as the report pursuant to order dated 18.05.2015. In para No. 3 of the affidavit dated 13.04.2023, latest action report was produced which is as under:-

a. The respondent no.2 has commissioned 400/220kv POWERGRID substation, Village Faggan, Majra PO Chelella (Near village Khalifewala) along with associated Transmission system in 2005 and further augmented in year 2011, 2014, 2016 as per the schemes of Govt. of India, which is the subject matter of the instant writ petition.

b. The respondent no.2 has been continuously patrolling the aforesaid transmission lines for operation and maintenance purposes and the current status is that no unauthorized

construction has been observed in the restricted area (Right of Way Corridor i.e. 23 meters on each side from the centre of tower for 400 kv line) of the transmission lines. The photographs of the areas around the house of the petitioner have been appended as Annexure R-2/6 with the present affidavit in support of the current status.

c. That further, as no unauthorised constructions have been observed and as such, no action needs to be taken to remove the same.”

12. Alongwith the affidavit dated 13.04.2023, respondent No. 3 has placed on record photos (Annexure R-2/6) to show that no unauthorized constructions have been observed in the restrict area.

13. Hence, keeping in view the written statement dated 30.11.2014 and affidavit dated 13.04.2023, no further direction is required to be given in this writ petition and the same is disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

30.10.2023
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No