

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5377 of 2016

Awadhesh Kumar S/o Late Nageshwar Sah, R/o Village- Chainpur, P.S.-
Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The ESSEL Vidyut Vitran (Muzaffarpur) Ltd. NBPDC, Distribution Franchise, Power House Chouk, Opposite Circuit House, Maripur, Muzaffarpur.
2. The Electrical Executive Engineer, Bihar State Electric Propagation Company Ltd (undertaking of the state government), Ramdialunagar, Post-Ramna, Distt - Muzaffarpur.
3. The North Bihar Power Distribution Company Ltd. through its Managing Director, Patna.
4. The Managing Director, North Bihar Power Distribution Company Ltd, through its Managing Director, Patna.
5. The Electrical Executive Engineer, North Bihar Power Distribution Company Ltd, Behind Muktinath Temple, Gannipur, Muzaffarpur.
6. The Bihar State Transmission Company Ltd through its Managing Director, Vidhut Bhawan, Bailey Road, Patna
7. The Managing Director, Bihar State Transmission Company, Vidhut Bhawan, Bailey Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Verma, Advocate
For the Respondent/s	:	Mr. Aditya Prakash Sahay, Advocate
For the Respondent	:	M/s Vinay Kirti Singh, Sr. Advocate
		Akhileshwar Singh
		Venkatesh Kirti, Advocates

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

11 16-07-2024

Re. I.A. No. 02 of 2024.

1. I.A. No. 02 of 2024 is filed for addition of (i) The Bihar State Transmission Company Ltd through its Managing Director, Vidhut Bhawan, Bailey Road, Patna and (ii) The Managing Director, Bihar State Transmission Company, Vidhut



Bhawan, Bailey Road, Patna as respondent Nos. 6 and 7 respectively .

2. With the reasons mentioned in the above Interlocutory Application, the same is allowed.

3. Registry is directed to make necessary changes in the memo of parties, both in digital and physical file also.

4. Learned senior counsel, Mr. Vinay Kirti Singh takes notice on behalf of the respondent Nos. 6 and 7.

Re. C.W.J.C. No. 5377 of 2016

5. Heard learned counsel for the parties.

6. The writ petition has been filed for issuance of direction to the respondents to remove big Electric Pole from the land of the petitioner appertaining to village – Jagarnathpur (Bochaha), P.S. Hathauri, District Muzaffarpur bearing old Khata No. 09, old Plot No. 32, New Khata No. 08 and New Plot No. 16, Thana No. 607 area 72 decimal for the purpose of crossing Electric Line of 1,20,000 kilowatt power and further for a direction to the respondents to pay suitable compensation to the petitioner for the damages occurred due to establishment of big Electric pole acquiring land of the petitioner . A pay the rent of the land taken / used by the respondents for fixing the power grid tower no. 189/2 vide E.R.1/Patna Kishanganj



Nirman/Part II (A-3) and also to pay the compensation/rent of the land surrounding the tower which cannot be used for cultivation to the petitioner.

7. At the outset, Learned counsel for the respondents contended that since this matter is squarely covered under the judgment dated 24.06.2024 passed in **CWJC No. 17834 of 2016 (Pramod Nath Tiwary Vs. The State of Bihar & Ors.)** by this Court in which this Court has passed the order in light of a judgment passed by the Hon'ble Apex Court in the case of **Power Grid Corporation of India Ltd. Versus Century Textiles & Industries Limited & Ors.** reported in **2017(2) PLJR (SC) 152**, this writ petition may also be disposed of on the same terms and conditions.

8. After perusal of the aforesaid judgment, the Learned counsel for the petitioner seeks liberty to make appropriate application for compensation before the appropriate authority.

9. Having regard to the submissions made by the learned counsel for the petitioner, the present writ petition stands disposed of in terms of the aforesaid judgment passed in **CWJC No. 17834 of 2016 (supra)** and also with liberty to the petitioners to seek appropriate compensation by approaching the



concerned District Judge and in case, any such petition is filed, the same is expected to be disposed of expeditiously by the learned court below. It is needless to state that in case, appropriate petition is filed within a period of four weeks from today, the same shall be examined and considered on merits by the appropriate court and shall dispose of the case preferably within four months.

10. With the aforesaid direction the writ petition stands disposed of.

11. Interlocutory Application(s), if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

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