

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14247 of 2015

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1. Kamal Kant Singh S/o Bharat Singh, resident of village- Ghatiya, P.S.- Kudra, District- Kaimur (Bhabhua)
 2. Ramjee Singh son of Late Ram Vrish Singh, resident of village- Ghatiya, P.S.- Kudra, District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Managing Director, Bihar State Power Holding Company Limited, Patna
3. The Chief Engineer, Bihar State Power Holding Company Limited, District- Kaimur (Bhabhua)
4. The Engineer, Sub Power Grid, Nadokhar, P.S.- Kudra, District- Kaimur
5. The Circle Officer, Kudra, P.S.- Kudra, District- Kaimur at Bhabhua

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the State : Mr. Abbas Haider, SC-16
For the Respondents No. 2 to 4 : Mr. Anand Kr. Ojha, Standing Counsel
Mr. Ashok K. Karn, Advocate
Mr. Aakshansa Shanker, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-09-2024 The present writ petition has been filed
seeking the following reliefs:-

“1. I. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Mandamus for removal of the pole by the respondents no. 2 to 5 which has been fixed on the land of the petitioners without following mandatory provisions of Right to Fair



Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 (hereinafter referred to as "the 2013 Act") over residential land bearing Thana No. 620, Mauza-Auraiya, Khata No-63, Plot No.16, Area- 4.55 acres;

II. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Mandamus for a direction to the respondent no. 2 to fix the pole on some other land and also to bring on record the procedure for fixing the pole, when high voltage tower is being erected on land and the different parameters laid thereon."

2. At the outset, the learned counsel for the respondent-State submits that the petitioners have already been paid compensation, hence they have got no locus to file the present writ petition.

3. At this juncture, the learned counsel appearing for the Bihar State Power Holding Company Limited has referred to a judgment rendered by the Hon'ble Apex Court in the case of ***Power Grid Corporation of India Vs. Century***



Textiles & Industries Ltd. & Ors., reported in ***(2017)5 SCC 143*** to submit that the persons aggrieved can at best seek compensation in lieu of use of their land for the purposes of laying of transmission lines/construction of electricity towers/affixing of poles etc., by approaching the concerned District Judge.

4. In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

5. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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