

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12653 of 2017

Md. Irshad Alam Son of Md. Riyaj Alam, Resident of Mohalla- Chhipi Tola,
Chauhatta, Police Station- Nagar, District- Hajipur, Vaishali.

... .. Petitioner/s

Versus

1. Bihar State Power Transmission Co. Ltd. and Ors
2. The Electrical Executive Engineer, Electric Sancharan Division, Hajipur.
3. The Electrical Executive Engineer Supply, Electric Supply Division,
Hajipur, Vaishali.
4. The District Magistrate, Vaishali.
5. The State of Bihar through Principal Secretary, Energy Department, Patna.
6. The Sub Divisional Officer, Hajipur, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Chandra Gandhi, Advocate
	:	Mr. Binod Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Suresh Kumar, AC to GP-1

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2025 Heard Mr. Manish Chandra Gandhi, learned counsel

for the petitioner and Mr. Suresh Kumar AC to GP-1 for the

State as also Mr. Ritesh Kumar, learned counsel representing the

respondent no. 1 to 3.

2. The present application has been preferred for the
grant of following relief:

*“For issuance of writ in the nature of Mandamus
direction to Respondents to remove the Electric
Pole of 220/132 KV from the land of the
petitioner bearing Khata No. 88 Khesra No.
1909 Area 4½ Dec. Mauza Pahetiya, Police*



Station- Sadar Hajipur, Anchal- Hajipur, District-Vaishali for foundation of 75/5 Tower installed by the authority of Bihar State Power Transmission Co. Ltd. without acquiring the aforesaid land in accordance with law and without paying any compensation amount to the petitioner as per new compensation Act and further direction to Respondents to restrain them from foundation of 75/5 Tower in the land of the petitioner.”

3. At the outset, learned counsel representing the respondent no. 1 to 3 has taken this Court to paragraph no. 6 of the counter affidavit which read as follows:

“6. That it is further stated and submitted that recently vide order dated 14.12.2016 passed in a batch of cases bearing Civil Appeal (C) no.10951 of 2016 (The Power Grid Corporation Of India Ltd. VS The Century Textile Industries Ltd. & Ors.) and its analogous cases a bench of Hon'ble Apex Court has held that the power grid corporation is free to maintain a telegraphic line under, over, along or across and posts in or upon



immovable property per as section 10 of the Indian Telegraph Act 1885. The Hon'ble Apex Court has further clarified that if there is any dispute raised with regard to quantum of compensation then as per provisions of section 16 of the Indian Telegraph Act it is to be settled by the District Judge. The above referred judgement is reported in 2017 (2) PLJR page 152 (SC)."

4. He submits that the petitioner ought to have received the compensation for the crops and if still aggrieved, could have approached the competent court for the redressal of his grievances.

5. Learned counsel for the petitioner submits that he shall be appearing before the respondents and shall also be approaching the competent court, if grievance remains.

6. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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