

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.288 of 2019

In

Civil Writ Jurisdiction Case No.1218 of 2019

Arbind Singh @ Arbind Kumar Singh, son of late Bishundeo Singh Resident
of Village- Manoharpur Kachhuara, P.S. Gopalpur, District Patna.

... .. Appellant

Versus

1. The State of Bihar through Chairman Cum MD, Bihar State Power Holding Company Ltd, 1st Floor, Vidyut Bhawan Bailey Road, Patna.
2. The Chairman Cum MD, Bihar State Power Holding Company Ltd, Ist Floor, Vidyut Bhawan Bailey Road, Patna.
3. General Manager, Human Resources and Administration, Bihar State Power Transmission Company Ltd., Patna.
4. Managing Director, Bihar State Power Holding Company Ltd, Ist Floor, Vidyut Bhawan Bailey Road, Patna.
5. Managing Director, Bihar State Power Transmission company Ltd, 1st Floor, Vidyut Bhawan Bailey Road, Patna.
6. The General Manager, Power Grid Corporation of India Ltd, Patna, at Purbi Mukhyalaya, at Alankar Place, East Boring Road, P.S- Buddha Colony, Distt- Patna.
7. District Magistrate, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Akshansh Ankit, Advocate Mr. Dhananjai Kumar Singh, Advocate Mr. Joti Ranjan Jha, Advocate
For the Respondent/s	:	Mr. Sriram Krishna, Advocate Mr. Vivek Prasad, Advocate Mr. Pratiyush Kumar, Advocate Mr. Yogendra Prasad Sinha (Aag7)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 31-07-2025

Appellant has assailed the order of the learned
Single Judge dated 18.01.2019 passed in C.W.J.C. No. 1218 of



2019. Grievance of the appellant is that official Respondents have erected electric poles in the Appellant's land premises. Such erection and installation of electric pole has certain inconvenience to the Appellant and in the result, he had approached various authorities by submitting representation. However, the Bihar State Power Transmission Company Ltd. rejected the Appellant's grievance on 19.03.2018, which is the subject matter of C.W.J.C. No. 1218 of 2019 decided on 18.01.2019.

2. No doubt, Hon'ble Supreme Court has made certain observation in Civil Appeal No. 10951 of 2016 (arising out of *SLP (C) No. 34382 of 2010*) in the case of *Power Grid Corporation of India Limited Versus Century Textiles and Industries Limited and Others* insofar as shifting of the electrical pole and other materials, which were erected in a particular land. At the same time, the official Respondents namely Bihar State Power Transmission Company Ltd., Patna while rejecting the Appellant's grievance on 19.03.2018 merely referred the Hon'ble Supreme Court decision and rejected the grievance of the Appellant. There is no iota of material evidence to the extent that on receipt of the Appellant's application with request to shift of Multi legged Electric Pole and proceeded to



reject. On the other hand, competent authorities were required to examine feasibility of shifting of Multi legged Electric Poles, which has been erected in the Appellant's land premises. In this regard, Technical Report is required to the extent of feasibility of shifting or is there any impracticable to shift and redress the grievance of the Appellant. Therefore, there is a total non-application of mind on behalf of Bihar State Power Transmission Company Ltd., Patna, while rejecting the Appellant's claim on 19.03.2018. It is necessary to reproduce copy of the communication and it reads as under:

Letter No. 844

Patna Dated 19.03.2018

BSPTCL-V/Mis- Court Case - 9001/16

From,

Sri R.N. Lal,
GM (HR & Amd).

To

Sri Arbind Singh @ Arbind Kumar
Village- Manoharpur Kachhura
P.S. - Gopalpur, Dist – Patna-800030.

Sub: Shifting of Multi legged Electric Pole.

Sir,

Your representation dated 30.01.2018 and 14.03.2018 annexed with the order dated 10.11.2017 passed by the Supreme Court of India has been examined in its true sense of letter and spirit and found that the observation made in the order that petitioner may approach the competent authorities of the “**Telegraph Department**” for shifting of the electric pole. You have approached to the PGCIL for shifting of the electric pole and reply was given to you that for construction of commissioning of the said project in question was executed and handed over to BSPTCL, therefore, it may be appropriate for you to make representation before BSPTCL which is proper authority to deal with the issue.



Your representation has also been examined on this angle that the BSPTCL has never been contesting party from the High Court or Supreme Court or anywhere in this case as you have mentioned in the representation.

The second thing which would like to quote that the Supreme Court of India has also delivered the judgment in the matter of **civil appeal no. 10951/2016** (arising out of SLP (C) No. 34382/2010). The PGCIL vs. Century Textiles Industries Ltd. and others which goes to show that the grievances for shifting of pole is not possible in view of the judgment decided by the Supreme Court that the action of the Powergrid in the given circumstances, by not shifting the transmission lines was arbitrary. From the facts, it become apparent that not only it was unfeasible to change the alignment as almost entire work had already been completed by the time you started protesting against this move, even otherwise the Powergrid has given sufficient explanation to point out that all relevant factors/aspects were kept in mind while laying down the impugned transmission lines. Such transmission lines had to be in straight line to the extent possible for eliminating loss of transmission.

Under the above circumstance, your grievances for shifting of pole is not feasible since alignment once fixed on the basis of geographical survey cannot be changed of straightway.

Yours faithfully,

(R.N. Lal)
GM (HR & Adm)

3. There is no iota of material evidence as to what are the steps taken by the official Respondents on the receipt of the Appellant's application for shifting of Multi Legged Electric Pole on 30.01.2018 and 14.03.2018. In all fairness, the competent authorities must have assigned the feasibility of shifting of Multi Legged Electric Pole within the land of the



Appellant to a different place. In this regard, Technical Report should have been obtained after assigning such work to a competent Engineer/Engineers. Without resorting to such procedure straightaway, the Bihar State Power Transmission Company Ltd. proceeded to reject the application of the Appellant. This issue has not been taken note of and apprised by the learned Single Judge while deciding C.W.J.C. No. 1218 of 2019 decided on 18.01.2019. On this short ground, the Appellant has made out a case so as to interfere with the order of the learned Single Judge dated 18.01.2019 passed in C.W.J.C. No. 1218 of 2019 and interfering with the rejection of the Appellants claim dated 19.03.2018, both are set aside.

4. Matter is remanded to the Bihar State Power Transmission Company Ltd., Patna and the General Manager, Power Grid Corporation of India Limited, Patna to examine, who is the competent authority to take a decision or call to redress the grievance of the Appellant. Competent authority have to secure Technical Report in respect of feasibility of shifting of Multi Legged Electric Pole, which has been erected in the Appellant's land premises. On receipt of such Technical Report, the competent authority shall proceed to pass a detailed speaking order along with the copy of the Technical Report be



furnished to the Appellant. The above exercise shall be completed within a period of 04 months from the date of receipt of this order. If report is in favour of Appellant in that event necessary action to shift those poles be under taken within four months from the date of receipt of report.

5. With the above observation, L.P.A. No. 288 of 2019 stands allowed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.08.2025
Transmission Date	NA

