

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.395 of 2023

In
Civil Writ Jurisdiction Case No.956 of 2020

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Jitendra Singh, Son of Kameshwar Singh, Resident of Village- Hirachak,
P.O.- Sriwar Gopalpur, P.S.- Naubatpur, District- Patna.

... .. Appellant/s

Versus

1. The South Bihar Power Distribution Company Limited through Chairman-cum-Managing Director, Patna, Bihar.
2. The General Manager, Power Grid Corporation of India, Shastri Nagar, Board Colony, Patna.
3. The Bihar Grid Company Limited, through its Junior Engineer Alok Kumar, Alankar Palace, Boring Road, P.S.- Budha Colony, District- Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Dr. Ajay Shankar Rajoo, Advocate Mr. Ravi Shankar, Advocate Mr. Gopal Krishna, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Vivek Prasad, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 21-01-2025

Re.- I.A. No. 1 of 2023

Mr. Ravi Shankar, the learned Advocate for the
appellant/applicant presses I.A. No. 1 of 2023 for
condoning the delay of more than two years in preferring
this appeal.

2. For the reasons stated in the application, the



delay of more than two years in preferring this appeal is condoned.

3. I.A. No. 1 of 2023 stands allowed.

Re.- L.P.A. No.395 of 2023

4. We have heard Mr. Ravi Shankar, the learned Advocate for the appellant and Mr. Vivek Prasad, the learned Advocate for respondent No. 1.

5. The order under challenge is dated 20.02.2020 passed by a learned Single Judge in C.W.J.C. No. 956 of 2020.

6. The records reveal that a 220 KV D/C Naubatpur (Kharauna), Bhusaula Transmission Line was laid across the land of the appellant. In fact, one of the tower location, viz., 12A/2 falls in the land of the appellant. The total length of transmission line is 19.95 kilometers. The respondent/Power Grid Company was under an obligation to complete the laying of the wires by March, 2020. The purpose without doubt remains the strengthening of transmission system in the State of



Bihar.

7. For the aforesaid purpose, viz., the laying of the electrical wire, 62 foundations were required. Out of those 62 foundations, 48 have already been completed and cast. The rest of the 13 towers are in the process of construction. The stringing work of 11.20 kilometers has also been completed.

8. It further appears from the order passed by the learned Single Judge that a survey was made by the Respondents for completion of the wiring in question. A physical verification was also made and it was found that the land belonging to the appellant, which he had inherited in a partition suit, was an agricultural land. Though the appellant claims that he intends to build a house and school over that land but that was not the situation when the survey was made.

9. Before the laying of the transmission lines, as it appears from the records, paper publication was made and at that time also, the nature of land was only



agricultural.

10. Apart from this, the diversion, alteration and shifting of transmission line is neither feasible nor permissible in view of the fact that prior approval of project, detailed survey and later the work carried out reflects that any change in the location would lead to faulty laying of transmission line which would only result in loss of electrical energy.

11. The appellant wants the location of the stringing to be changed.

12. That is not possible.

13. There is no dispute with respect to the powers of the Respondent which is a joint venture of Bihar State Power Holding Company Limited and Power Grid Corporation India Limited. Since the entire survey was made and only thereafter a decision was taken to lay the transmission line, the request of the appellant was rightly not acceded to.

14. While rejecting the prayer for a direction to



the respondent/Power Grid Company to change the location of the stringing line, the learned Single Judge referred to the decision of the Supreme Court in ***Power Grid Corporation of India Limited vs. Century Textiles & Industries Limited & Ors. reported in 2017 (2) PLJR (SC) 152*** wherein the details of the powers under Section 10 of the Indian Telegraph Act, 1885 and the provisions contained in Section 10(b) of the aforementioned Act has been discussed. It has the power to lay down telegraph lines.

15. If at all, any person feels that he is entitled to any compensation, the appropriate course of action is to file a suit before the concerned District Judge/any other appropriate authority for this purpose.

16. Considering all these facts and the laying of the cables having been already about to be completed, the prayer made on behalf of the appellant was rejected by the learned Single Judge.

17. We do not deem it at all necessary to



interfere with the aforementioned order passed by the learned Single Judge.

18. This appeal has no merits and therefore is dismissed.

19. However, it would be open for the appellant to approach the concerned authority for reasonable compensation, in case he is entitled for the same and when such an application shall be filed, the authority concerned shall consider that it was because of the time taken in the litigation that there was a delay in approaching the concerned District Judge/appropriate authority within time.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Saurabh/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
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