

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6249 of 2024

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Ramnath Singh Son of Ash Narayan Singh, resident of Vill. - Narayanpur,
Post - Narayanpur, P.S. - Narayanpur, Dist. - Bhojpur, Pin Code- 802201.

... .. Petitioner/s

Versus

1. The Managing Director, South Bihar Power Distribution Company Limited Biduyt Bhawan, Neharu Path Patna.
2. The Superintendent Engineer, South Bihar Power Distribution Company Limited Electricity Supply Division, Gorhna Road, Ara, Pin Code- 802302.
3. The Executive Engineer, South Bihar Power Distribution Company Limited, Electricity Supply Division, Jagdishpur, Bihiya, Pin Code - 802152.
4. The Assistant Engineer South Bihar Power Distribution Company Limited, Electricity Supply Division, Garhani Bazar, Ara, Pin Code- 802203.
5. The Junior Engineer, South Bihar Power Distribution Company Limited Electricity Supply Division, Agiaon, Ara Pin Code - 802202.
6. District Magistrate, Bhojpur.
7. Circle Officer, Agiaon, Bhojpur.
8. Revenue Karmchari, Agiaon, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rohit Mishra, Adv.
For State	:	Md. Harun Quareshi, AC to SC1
For the Respondent/s	:	Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

15 17-09-2025 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

“(i) For Directing the concerned respondent/ respondents to remove the electric pole from the ‘Raiyati’ land of the petitioner, which have been installed by the respondents after removing the same from the public land.

(ii) For directing the concerned respondents/authority to take appropriate action against the concerned authority, due



to whose negligence or mala-fide intension, the same pole has been installed on the Raiyati land of the petitioner.

(iii) For directing the concerned respondent to give adequate/ proper compensation to the petitioner, because due to aforesaid illegal construction the petitioner is not able to construct his house on the land in question.

(iv) For any other relief/reliefs the petitioner is found entitled in the facts and circumstances he stated herein below.”

3. It is the case of the petitioner that the respondent authority has erected an electricity pole in the private land belonging to the petitioner.

4. Learned counsel for the petitioner has stated that though the petitioner has protested the erection of the said electricity pole in his private land, the authority without paying any heed to his protest has erected the pole. Thereafter, the petitioner has made several representations to the authority concerned for removing the electricity pole but till date they have not taken any action. Learned counsel has therefore, prayed this Hon'ble Court to allow the present writ petition and direct the authority to remove the pole which is situated in his private land.

5. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very



maintainability of the present writ petition. Learned counsel has stated that the authority duly taking into account the fact that the passage which is adjacent to the plot of the petitioner is public land have erected the pole, therefore, the petitioner cannot have any grievance for erecting a pole in a public place. Learned counsel has further stated that the authority have already passed a reasoned order on the representation made by the petitioner and perusal of the same reveals that the passage which the petitioner is claiming as a private land is actually a public land. Therefore, the present writ petition is misconceived and the same has to be dismissed with a cost.

6. A perusal of the record reveals that the authority duly taking into consideration the totality of the circumstances and also verification of the subject land has come to the conclusion that the place where the pole is situated is a public passage and not the private plot of the petitioner.

7. Further, it is to be seen that there is a serious dispute with regard to the title over the subject property i.e., whether the site where the electricity pole is erected is a private land as contended by the petitioner or a public passage as contended by the respondent authority, this Court is of the opinion that these are all disputed questions of fact which



cannot be adjudicated in a writ petition filed under Article 226 of the Constitution of India.

8. This Hon'ble Court as well as the Hon'ble Supreme Court in a catena cases has held that the High Court adjudicating under Article 226 of the Constitution of India cannot entertain a writ petition where there are serious disputed questions of title involved.

9. Further, it is to be noted that in case the petitioner is claiming that the subject property i.e., the place where the plot is erected falls within the land he owns that he has to establish his title by approaching a competent Civil Court seeking declaration of his title, more so when the respondent authorities are seriously disputing that the pole is situated in a public passage. The only remedy available to the petitioner is to approach the competent Civil Court for declaration of his title. It is only the Civil Court which is competent to give a declaration of a title to the property duly taking into consideration the pleadings as well as the evidence led by both the parties.

10. Having regard to the above mentioned facts and circumstances, this Court is not inclined to entertain the present writ petition and the same is accordingly, dismissed. However, it is open to the petitioner to approach the competent Civil Court,



if he is so advised.

11. With the above direction, the present writ petition stands dismissed.

(A. Abhishek Reddy, J)

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