

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9952 of 2024

=====

Nand Kishor Ray Son of Paltoo Ray Resident of Village- Raghopur, B
Factory, P.S.- Ahiyapur, District- Muzaffarpur ... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Energy Department, Patna.
 2. Managing Director, North Bihar Power Distribution Company Limited (NBPDC), Patna.
 3. District Magistrate, Muzaffarpur.
 4. The Superintending Engineer, NBPDC, Muzaffarpur Circle, Muzaffarpur.
 5. Executive Engineer, NBPDC, Shahri-2, Muzaffarpur Division.
- ... Respondents

=====

Appearance :

For the Petitioner	:	Mr.Manju Sharma, Adv.
For the State	:	Mr.Kinkar Kumar, SC IX
For the Company	:	M/s Sanjeev Kumar, Preeti & Ravi Kumar Pandey, Advs.

=====

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

10 20-08-2025 Heard the learned counsels for the respective parties.

2. Learned counsel for the petitioner states that due to the laying of the transmission lines (33 KVA) by the Respondents Authorities the petitioner is not able to make construction of a building over his plot. Learned counsel states that though the petitioner has been giving several representations to the Authority to remove/shift the transmission line till date they have not being removed. That the petitioner is poor and illiterate person therefore not in a position to prevent the laying of the transmission lines by the Respondent Authority. Counsel has therefore prayed this Hon'ble Court to direct the Respondents to remove the transmission lines which



are passing over his house.

3. Per contra, the learned counsel appearing on behalf of the Respondents Authorities has vehemently opposed the very maintainability of the present Writ Petition. Learned counsel has stated that the petitioner has given representations way back in the year 2014 and thereafter kept quiet for a period of almost ten years. Thereafter he has given a representation in the year 2024 only for the purpose of filing the present Writ Petition. Counsel has stated that the transmission lines were laid more than 40 years back and therefore the question of removing or shifting the poles can not be considered at this point of time. Further learned counsel has stated that the department after due enquiry has prepared the estimation of the costs that is likely to be incurred for shifting of the transmission lines in the year 2014 itself but the petitioner till date has not taken any steps for making the payment. Further it is stated that due to the constructions being undertaken by the villagers during the last 40 years, it is now not possible to change the alignment of the transmission line. Learned counsel has therefore prayed this Hon'ble Court to dismiss the present Writ Petition.

4. Admittedly, as seen from the record the petitioner



was aware about the laying of the transmission lines passing over his plot of land in the year 2014 itself and thereafter he has filed a representation seeking estimation of the costs for removal/shifting of the poles. Through the petitioner was given the estimation in the year 2014 but for the reasons known to the petitioner he has kept quite for almost ten years before filing the present CWJC. This Court as well as the Hon'ble Supreme Court in catena of decisions have held that the alignment of the transmission lines can not be changed. Further it is to be noted that the transmission lines were laid almost 40 years back which has not been denied by the petitioner. The petitioner having slept over his right for the last more than 40 years, can not expect the Court to give him the relief sought at this point of time.

5. Having regard to the above this Court does not find any merit in the present Writ Petition which warrants any interference by this Court.

6. With the above directions, the Writ Petition stands **dismissed**.

7. However, liberty is granted to the petitioner to file a fresh representation to the authority concerned for shifting of the transmission lines or for laying of underground transmission



lines at his own costs. On such representation being made the same shall be considered in accordance with law by the Respondent Authorities.

(A. Abhishek Reddy , J)

Shamshad/-

U			
---	--	--	--

