

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10963 of 2016

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1. Ram Ayodhya Pd. Gupta and Ors S/o Late Dodha Sah, resident of Village- Sain Sriperson Singh, PS.- Kanti, District- Muzaffarpur.
 2. Arun Kumar Chaudhary, S/o Late Sukhdeo Chaudhary, resident of Village- Sain Brijlal, P.S.- Kanti, District- Muzaffarpur.
 3. Bipin Kumar, S/o Bindeshwar Prasad, resident of Village- Sain Ram Rai, P.S. Kanti, District- Muzaffarpur.
 4. Shambhu Singh, S/o Late Chaturbhuj Singh, resident of Village- Sain Ram Rai, P.S. Kanti, District- Muzaffarpur.
 5. Abhay Kumar, S/o Late Ram Deni Singh, resident of Village- Pach Pakari, P.O.- Pakhanahan- Sri Ram, P.S.- Kanti, District- Muzaffarpur.
 6. Shobha Devi W/o Rajendra Sah, Village- Pach Pakari, P.S.- Kanti, District- Muzaffarpur.
 7. Sujit Kumar, S/o Binod Pd. Sharma resident of Village- Sain Brijlal, P.S.- Kanti, District- Muzaffarpur.
 8. Hari Shankar Sah, S/o Late Mahendra Sah, resident of Village- Sain Bheria, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Energy Department, Govt. of Bihar, Patna.
3. The Chief Manager, Power Grid Corporation of India,
4. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
5. The General Manager cum Chief Engineer, Transmission, Zone- Muzaffarpur.
6. The Executive Engineer, Transmission, Zone- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh
For the State	:	Mr. Md. Irshad, A.C. to SC-1.
For the Power Grid	:	Mr. J.P.,Sr.Advocate
		Mr.Arbind Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 20-06-2025 Heard the parties.

2. The petitioners in the present writ application have
prayed for grant of following relief :-



(I) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities to make payment the compensation of the land occupied by electricity transmission tower as well as crops loss per tower location at the market value of the land in question and also interest of the amount of compensation till date of payment.”

3. In paragraph 22 of the writ application it has been averred by the petitioners as follows :-

“22. That the petitioner no.7 and 8 have been paid 61320/- and 22700/- as compensation after creating tremendous pressure but the fact is that the land of petitioner no.7 is adjacent to Block and surrounded by road from three sides which is good place for market and the land of petitioner no.8 is also high land in which cash crops are yielded.”

4. Learned counsel appearing for the Power Grid Corporation of India Ltd. submits that this matter relates to payment of compensation under the Indian Telegraph Act, 1855 and for that the petitioners remedy lies before the Court of learned District Judge and not in writ jurisdiction. The learned counsel relies upon Section 16(4) of the Indian Telegraph Act, 1855 which provides as follows :-

“If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in



which the persons interested are entitled to share in it, the telegraph authority may pay into the Court of the District Judge such amount as he deems sufficient or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (3), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it”

5. In support of his argument, learned counsel appearing for the Power Grid Corporation of India Ltd. relied upon Judgment of the Hon’ble Supreme Court delivered in the case of **Power Grid Corporation of India Ltd. Vs. Century Textiles & Industries Ltd. (2017) 5 SCC 143** in which in paragraph 27, it has been held and observed as follows :-

“27. At this stage, we deal with the direction of the Division Bench regarding compensation payable to the writ petitioner, or for that matter to the State Government before the High Court. Furthermore, the High Court could not have given this task to the District Collector, which is contrary to the provisions of Section 16(c) of the Telegraph Act, 1885 which are extended to laying down of electricity lines. As per this provision, such an authority vests with the District Judge.”



6. Learned counsel for the petitioner submits that in view of the aforesaid decision of Hon'ble Supreme Court in the case of Power Grid Corporation of India Ltd, he is willing to withdraw the present case with liberty to approach the Court of learned District Judge concerned for seeking the relief of compensation.

7. As prayed for by learned counsel for the petitioners, this writ application is disposed of granting liberty to the petitioners to approach the Court of learned District Judge concerned for claim of compensation under the Indian Telegraph Act, 1855. The period during which this case was pending before this Court will be considered by the Court of District Judge for the purpose of condonation of delay.

8. With the aforesaid observation and direction, this writ application stands disposed of.

(Alok Kumar Sinha, J)

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