IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14391 of 2026

CNR No. BRHC010838052026

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Rajesh Kumar Sharma son of Yadunath Thakur, resident of Village-Kushiyari, P.O.-Karua, P.S.- Chakmehsi, Block-Kalyanpur, ward no. 14 District- Samastipur, Bihar.

... ... Petitioner/s

Versus

1. The Managing Director, North Bihar Power Distribution Company Ltd. Vidyut Bhawan, Near Income Tax Circle, Jawaharlal Nehru Marg (Bailey Road), Patna, Bihar.
2. General Manager (G.M.) North Bihar Power Distribution Company Ltd., Vidyut Bhawan, Near Income Tax Circle, Jawaharlal Nehru Marg (Bailey Road), Patna, Bihar.
3. Deputy General Manager (DGM), Electric Supply Circle, NBPDCL, near Chini Mill Chowk, Samastipur.
4. Executive Engineer, Electricity Supply Circle, Samastipur, Bihar.
5. Assistant Executive Engineer, Electricity Supply supply Sub-Division, Pusa, Samastipur, Bihar.
6. Junior Electric Engineer, Electricity Supply Sub-Division, Pusa, Samastipur, Bihar.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Prafull Chandra Jha, Adv.
Mr. Keshav Kumar Jha, Adv.
Mr. Rahul Kumar, Adv.
For the Respondent/s : Mr. Shrekant Saran Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

2 27-10-2026 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the North Bihar Power Distribution Company Ltd.

2. This writ application has been filed for the following reliefs:-

"i. For direction to the respondent authorities to

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remove, shift or realign the 11 KV electric line which is passing above the house of the petitioner due to the said high-voltage line, the petitioner and his family members are constantly exposed to danger of electrocution and are unable to safely utilize and construct their residential premises.

ii. For any further reliefs/reliefs,direction/directi ons or orders/orders which are found during the course of argument."

3. At the outset, this Court has put a query to the learned counsel for the petitioner as to whether the present case is squarely covered by the judgment rendered by the Hon'ble Apex Court reported in (2017) 5 SCC 143 (Power Grid Corporation of India Ltd. v. Century Textiles & Industries Ltd & Ors.)

4. Learned counsel for the petitioner submits that though the present case is squarely covered by the judgment rendered by the Hon'ble Apex Court in the case of Power Grid Corporation of India Ltd. (supra) but the fact is that the respondent authorities have not paid any compensation to the petitioner, as has been mandated under the aforesaid judgment rendered by the Hon'ble Apex Court.

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5. Learned counsel for the respondents do not dispute the proposition of law laid down by the Hon'ble Apex Court in the case of Power Grid Corporation of India Ltd. (supra) especially in paragraphs no. 23 to 28 thereof which are reproduced hereinbelow:

> *"23. Section 10 of the Telegraph Act, 1885 empowers the telegraph authority to place and maintain a telegraph line under, over, along or across and posts in or upon any immovable property. The provision of Section 10(b) of the Telegraph Act, 1885 makes it abundantly clear that while acquiring the power to lay down telegraph lines, the Central Government does not acquire any right other than that of user in the property. Further, Section 10(d) of the Telegraph Act, 1885 obliges the telegraph authority to ensure that it causes as little damage as possible and that the telegraph authority shall also be obliged to pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.*
>
> *24. As Power Grid is*

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given the powers of telegraph authority, Rule 3(1) of the 2006 Rules ceases to apply in the case of Power Grid by virtue of execution clause contained in sub-rule (4) of Rule 3 which reads as under:

"3. (4) Nothing contained in this rule shall effect the powers conferred upon any licensee under Section 164 of the Act."

25. We, thus, have no hesitation in rejecting the argument of the writ petitioner that the impugned action of the Power Grid was contrary to the provisions of the Electricity Act, 2003.

26. We also do not find that the action of the Power Grid, in the given circumstances, by not shifting the transmission lines was arbitrary. From the facts noted above, it becomes apparent that not only it was unfeasible to change the alignment as almost entire work had already been completed by the time the writ petitioner started protesting against this move, even otherwise, the Power Grid has given sufficient explanation to point out that all relevant factors/aspects were kept in mind while laying down the impugned

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transmission lines. Such transmission lines had to be in straight line to the extent possible for eliminating loss of transmission. It is also explained that electricity transmission is usually laid or crossed over agricultural land where minimum extent of land gets utilised for erecting towers and where agricultural activities are not prejudiced/obstructed in any manner. The purpose is to avoid buildings, religious places, ponds, etc. while laying down these transmission lines. It is only when it becomes inevitable that towers are placed on the private lands to the minimum and least extent possible. That is what was tried to achieve in the instant case. Another important factor, which needs repetition at this stage is that no blasting is permissible within 300 m from the 400 kV line (already existing) or the tower structure. Mining of limestone can be taken up by adopting the methods other than use of explosive/blasting —without damage to the tower foundation/tower structure or the line, which can be accomplished by using jack

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hammer/pneumatic hammer with compressor so as to avoid any damage to the line or tower. This aspect has also been taken note of by the learned Single Judge of the High Court in the judgment dated 11-3-2008 [Century Textiles & Industries Ltd. v. Power Grid Corpn. of India Ltd., WP (C) No. 1909 of 2007, decided on 11-3-2008 (Chh)] . The Division Bench [Century Textiles & Industries Ltd. v. Power Grid Corpn. of India Ltd., Writ Appeal No. 42 of 2008, decided on 2-8-2010 (Chh)] did not differ with any of these findings.

Accordingly, Civil Appeal No. 10953 of 2016 preferred by the writ petitioner stands dismissed.

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. In the first instance, no such claim was laid by the writ petitioner in the writ petition or by the State Government before the High Court. Furthermore, the High Court could not have given this task to the District Collector, which is

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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.

28. These are sufficient reasons to allow Civil Appeal No. 10951 of 2016 preferred by the Power Grid by setting aside those directions. Ordered accordingly. We make it clear that if the writ petitioner feels that it is entitled to any compensation, the appropriate course of action is to file a suit before the District Judge concerned for this purpose. It would also be apt to point out at this stage that the Central Government has framed guidelines dated 15-10-2015 in this behalf which inter alia provide that the issue of compensation may be resolved having regard to the mode and manner of assessment of compensation as per the said guidelines. Therefore, it would always be open to the writ petitioner to avail the remedy as per the said guidelines."

6. Having regard to the aforesaid judgment

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rendered by the Hon’ble Apex Court in the case of Power Grid Corporation of India Ltd. (supra), this Court deems it fit and proper to dispose off the present writ petition in similar terms and grant liberty to the petitioner to seek compensation by approaching the concerned learned District Judge and in case any such petition is filed, the same shall be disposed off expeditiously by the learned Court below.

(Girijish Kumar, J)

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