

(2024) 10 UK CK 0078

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 2839 Of 2024

Priyank Lingwal

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 17-10-2024

Acts Referred:

Indian Telegraph Act, 1885 — Section 10(d)
Constitution Of India, 1950 — Article 226

Citation : (2024) 10 UK CK 0078

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Narayan Har Gupta, K.K. Shah, D. Barthwal

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned Counsel for the parties.
2. By means of this petition, petitioner has prayed to direct the respondent nos.2 and 3 to remove two electric poles allegedly standing on the Bhumidhari land of petitioner.
3. Learned counsel for petitioner submits that the petitioner purchased the aforesaid land on 27.07.2022 and on that date, poles were already pitched on the said plot. He further submits that in view of provisions contained in Section 10(d) of the Indian Telegraph Act, 1885, the respondent authorities were duty bound to place the polls on the private land but with causing little damage as possible to the said property. According to petitioner, two polls which carries 1 HT and 1 LT Line has caused substantial damage to petitioner as plot of petitioner has become unusable. Therefore, he has come up before this Court under Article 226 of the Constitution of India.
4. Learned Counsel for petitioner has limited his submission for issuing a

direction to the respondents to shift the electric polls and to place the same on the public land adjoining the plot of petitioner; he further submits that he would move a representation to respondent no.3 for the said purpose who may be directed to decide the application within a stipulated period.

5. To this proposition, there is no opposition from the side of respondents.

6. Accordingly, the present writ petition is disposed of and it is provided that the petitioner may move a representation for the aforesaid purpose ventilating his entire grievances within 10 days from today; if any such representation is moved, respondent no.3 is directed to decide the same strictly in accordance with law within a further period of three months from the date of its receipt.

7. The petition stands disposed of in the aforesaid terms. Pending application, if any, also stands disposed of.