
(2020) 02 PAT CK 0055

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 1408 Of 2020

Ragini Jaiswal And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 17-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0055

Hon'ble Judges : Ashutosh Kumar, J

Bench : Single Bench

Advocate : Ranjan Kumar Dubey, Rajiv Roy

Final Decision : Disposed Of

Judgement

Heard the learned counsel for the parties.

The petitioner is aggrieved by the action of Bihar State Power Holding Company Ltd. in erecting an electric pole on the land of the petitioner.

It has been submitted that on a complaint made by the petitioner before the Public Grievance Redressal Cell, the matter was taken up and during the

aforesaid proceeding, the Power Holding Company agreed, in principle, that if an enclosure is made by the petitioner over his land and it is found that

the electric pole falls within that enclosure, it shall be removed. When the petitioner tried to erect the enclosure to identify the land which belongs to

him, there was a public outcry for some reason which the petitioner has not stated before this Court and the work of construction of the boundary wall

had to be dropped. The matter travelled to the second appellate authority where the case was remitted to the Public Grievance Redressal Cell again

for redressal of the grievances of the petitioner.

The stand of the Power Holding Company Limited is absolutely fair that in case

the pole is found rooted in the land of the petitioner which is appurtenant to his residential premises, it shall be removed.

An enquiry also has been made whereby a report has been called for by the Circle Officer to ascertain whether the land which is claimed by the petitioner actually belongs to him. If it is found that the land belongs to the petitioner and there is no justification for keeping the electric pole within his residential premise, the State Power Holding Company Limited would be well advised and under an obligation to remove the same.

Needless to state that the aforesaid direction / observation would be dependent on its execution on the factum of the electric pole having been erected only on the land of the petitioner. If the facts as stated by the petitioner is found to be correct, then necessary steps shall be taken for redressal of his

grievance within a period of three weeks from the date of production/receipt of a copy of this order before the Chief Managing Director, Bihar State

Power Holding Company Limited (Respondent No. 3).

The necessary uprooting of the pole would also be dependent on obtaining the necessary no-objection-certificate from the concerned District

Magistrate.

With the aforesaid observation / direction, this petition stands disposed off.