

Vishwanath Yadav vs State Of U.P. And 4 Others on 31 January, 2025

Author: Vipin Chandra Dixit

Bench: Vipin Chandra Dixit

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14356-DB

Court No. - 40

Case :- WRIT - C No. - 32709 of 2024

Petitioner :- Vishwanath Yadav

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ravindra Prakash Srivastava

Counsel for Respondent :- C.S.C.,Pratik J. Nagar

Hon'ble Shekhar B. Saraf,J.

Hon'ble Vipin Chandra Dixit,J.

1. Heard learned counsel appearing on behalf of the petitioner, learned Standing Counsel appearing on behalf of the State and Sri Pratik J. Nagar, learned counsel appearing on behalf of the respondent No.5.

2. This is a writ petitioner under Article 226 of the Constitution of India wherein the writ petitioner

is seeking the following substantial reliefs:

"a) issue a writ, order or direction in the nature of MANDAMUS directing the respondents authority to shift High Voltage Wire in another place who is passing over the petitioner's Arazi No.82, area 1.465 hectare situated at Village Bokta, Pargana-Hasanpur Maghar, Tehsil-Sahjanwa, District Gorakhpur to connect the Sahjanwa Power Grid Station, District-Gorakhpur.

b) issue a writ, order or direction in the nature of MANDAMUS direct the respondent to decide the representation of the petitioner dated 04.09.2024 within stipulated period as fixed by this Hon'ble Court."

3. Upon perusal of the documents and upon hearing counsel appearing on behalf of the parties, we are of the view that the aforesaid reliefs sought by the petitioner cannot be granted. The issue involved in the present writ petition is squarely covered by a judgment of the Supreme Court rendered in Power Grid Corporation of India Ltd. v. Century Textiles and Industries Ltd and Others reported in AIR 2017 Supreme Court 1141. In light of the same, we are of the view that the compensation is payable to the petitioner.

4. Accordingly, the petitioner is directed to make an application under Section 10(d) of the Indian Telegraph Act, 1885 before the Executive Engineer, Power Grid Corporation Sahjanwa, Gorakhpur being the respondent No.5 herein. In the event the petitioner makes such an application within a period of three weeks from date, the respondent No.5 shall consider and decide the same in accordance with law expeditiously, preferably within a period of three months from the date of making the said application.

5. With the above directions, the writ petition is disposed of.

Order Date :- 31.1.2025 Kuldeep (Vipin Chandra Dixit, J.) (Shekhar B. Saraf, J.)