



2026:AHC:55314-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 6577 of 2026

Smt Munni Devi And Another

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pande Priti Premshankar, Pankaj Kumar, Raja Ram, Som Pal
Counsel for Respondent(s)	:	Mukesh Kumar Singh, C.S.C.

Court No. - 21

**HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE KUNAL RAVI SINGH, J.**

1. Heard learned counsel for the petitioner, Ms. Uttara Bahuguna, learned Additional Chief Standing Counsel for the State respondents and Sri Mukesh Kumar Singh, learned counsel for the respondent - Electricity Department.
2. The petitioners have preferred the instant writ petition praying inter alia for following relief :-

"I. Issued a writ order or direction in the nature of mandamus directing the authorities concerned to vacant and land of the petitioners from electricity pole over the land of the petitioners.

II. Issued a writ order or direction in the nature of mandamus directing the authorities concerned to provide compensation to the petitioners in accordance with law."

3. Petitioners claim to be bhumidhar of Gata No.666 area 0.9180 hec. situated in village Goval Patipura, Tehsil Beesalpur, District Pilibhit. It is alleged that the respondent Authority is proposing to erect/establish the electric pole of 400 volts line over the land of the petitioners.
4. The claim of the petitioners has been opposed by Ms. Uttara Bahuguna, learned Additional Chief Standing Counsel for the State respondents and Sri Mukesh Kumar Singh, learned counsel for the respondent - Electricity Department.

5. Learned counsel for the contesting report has placed reliance in the case of ***Deva Raj Vs. U.P. State Electricity Board, Lucknow & Ors., AIR 1977 Allahabad 452***, whereby a Division Bench of this Court had examined the provisions of Section 51 of the Indian Electricity Act, 1910, which is similar to the provisions of Section 164 of the Electricity Act, 2003 and observed that in view of the notification issued by the State Government under Section 51 of the 1910 Act read with Section 10 of the Telegraphs Act, the respondents have the power to install the towers on the land owned by a person.

6. Similarly, the Madras High Court, in ***E. Venkatesan & Ors. Vs. Chairman, Tamil Nadu Electricity Board, Madras & Ors., AIR 1977 Madras 64*** while dealing with the powers under Section 51 of the Act of 1910, also observed :-

"From the above settled position of law, it is clear that when the Electricity Board exercises power under Section 51 of the Electricity Act read with Section 10 of the Telegraphs Act, they are not acquiring any land. They are only making use of the land for the purpose of laying electricity lines for which full compensation is given for the damage caused. It is also clear therefrom that no notice is required to the owner before laying the poles or constructing any tower, nor any consent is required from them."

7. This Court, in **Writ C No.29995 of 2016 (Pooran Singh and 30 others vs. State of UP and 3 ors)** decided on 5.7.2016, has observed that the construction of transmission power service lines cannot be stopped for want of payment of compensation. However, an appropriate direction can be issued to the competent authority for determining the compensation in accordance with law and pay the same to the tenure holders over whose land the poles are being erected.

8. Considering the facts and circumstances and the relief as prayed for, the instant writ petition stands **disposed of** with liberty to the petitioners to move an appropriate application before the concerned District Magistrate with regard to their claim alongwith certified copy of this order and other supported materials, whereupon the District Magistrate shall pass

appropriate orders on the claim of the petitioners in accordance with law within three months from the date of production of a certified copy of this order.

(Kunal Ravi Singh,J.) (Mahesh Chandra Tripathi,J.)

March 18, 2026

Sumit S