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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.11653 OF 2014
WITH
WRIT PETITION NO.11655 OF 2014
WITH
WRIT PETITION NO.11656 OF 2014**

Jyotibai Sudhakar Kulkarni. (wp/11653/14)
Somnath Gorakhnath Bhusare. (wp/11655/14)
Dinesh Popat Bhusare. (wp/11656/14). ..Petitioners

-Versus-

Power Grid Corporation of India. ..Respondent

.....
Mr.Ajit B. Gaikwad, Advocate a/w Mr.B.N.Magar, Advocate for the
Petitioner.
Mr.S.S.Joshi, Advocate for the Respondent No.1.
Mr.U.H.Bhogle, AGP, for the Respondent No.2.
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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th January, 2015

Per Court:

1 The Petitioners seek to challenge the order passed by the learned District Collector, Aurangabad in Case Nos.150, 149 and 151 respectively, dated 17.11.2014.

2 The Respondent- Power Grid Corporation of India Limited had moved an application under Section 16 of the Indian Telegraph Act, 1885 seeking permission to exercise the powers under Section 10 of the said Act and carry out the work of establishment of the towers in the lands belonging to the Petitioners in villages Murmi and Shirasgaon, Taluka

Gangapur, District Aurangabad. The establishment of towers was with regard to 400kv D/C Aurangabad-Boisar Transmission Line as per the Finalized Route Alignment.

3 The said application was dealt with by the District Collector after issuing notices to the Petitioners. All the Petitioners have not objected to the establishment and construction of the said line since it is a part of the public project. After hearing the parties, the learned District Collector has delivered the impugned order dated 17.11.2014.

4 The grievances of the Petitioners are that there is sugarcane crop standing in the said fields and the activity undertaken by the Respondent Corporation for establishment of the Transmission Line is bound to cause permanent damage to the standing crop and would also render portion of the agricultural field of no utility in future. The Petitioners claim to be agriculturists who survive on agricultural activities and have no other source of income. It is, therefore, prayed that the impugned order be quashed and set aside and the matter be remanded back for a fresh hearing before the District Collector.

5 Mr.S.S.Joshi, learned counsel has appeared on Advocate's notice for the Respondent No.1. He submits that similar challenge before the Nagpur Bench of this Court was dealt with and being a public project, the Nagpur Bench has not interfered with the matter. He, therefore, submits that the petitions deserve to be dismissed.

6 The learned AGP appearing on behalf of the Respondent No.2/Collector submits that due procedure as laid down in law was followed by the Respondent No.2. An opportunity of hearing was afforded to the Petitioners. Upon recording their consent, the impugned order has been passed. Due care has been taken by the Second Respondent District Collector in ensuring that the rights of the Petitioners are not frustrated and the compensation payable in law is duly paid to them.

7 Having considered the rival submissions of the parties, I am not inclined to cause any interference in the impugned order. The Petitioners cannot be allowed to approbate and reprobate. Having consented for establishment of the Transmission Line in view of the compensation being statutorily payable to them, I do not find any reason to set aside the impugned order and remand the matter back to the District Collector only because the Petitioners now desire to raise an objection.

8 However, it is noteworthy that directions have been issued by the learned District Collector in the impugned order from clauses A to G and especially clauses C, D, E and F by which the Respondent Authorities are duty bound to follow the due procedure and pay compensation to the Petitioners.

9 Needless to state, if the directions issued by the learned District Collector in the order dated 17.11.2014 are not complied with by the Respondent No.1 Corporation and especially in relation to payment of compensation to the Petitioners, the Respondent No.1 would be liable to pay interest on the compensation amount.

10 With these observations, the Writ Petitions are disposed of. No order as to costs.

(RAVINDRA V. GHUGE, J.)