

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11499 OF 2015

Malik Abubakar Shaikh.	...	Petitioner.
V/s.		
The General Manager/CEO through Power Grid Corporation of India Ltd and another.	...	Respondents.

R.N.Gite for the petitioner.

Doveson Cheruvathur for respondent No.1.

Vikas Mali, AGP for respondent No.2- State.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 22nd December 2015.

PC.

The petitioner's grievance is that respondent No.1 is laying down electric supply lines over the land owned and possessed by the petitioner. In accordance with the provisions of Works of Licensees Rules, 2006, a prior consent of the owner or occupier of the building or land is required to be obtained. He submits that respondent No.1 did not obtain such a prior consent.

2. Learned counsel appearing for respondent No.1 submits that respondent No.1 is a Government of India enterprise. He has placed on

record photostat copy of the communication made by Tahasidar, Mokhada to the Collector, Palghar dated 17th December 2015. We have perused the same.

3. We observe that the Collector, Palghar district would issue appropriate instructions after going through the record, after considering the representation and after hearing the petitioner and the representative of respondent No.1. The Collector shall take into consideration the provisions of the Indian Telegraph Act, 1885 (section 17) and the Works of Licensees Rules, 2006 (rule 3). We have not expressed any opinion as the subject work relates to laying down of high transmission lines for providing power to large section. The decision shall be taken at the earliest. Both parties to appear before the Collector, Palghar district on 28th December 2015 at 11.00 a.m.

4. With the aforesaid direction, petition stands disposed of.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)