

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3075/2015

(M.S.E.D.C.L., WARDHA & ANOTHER **VERSUS** GAJANAN DINKARRAO HINGMIRE & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.V. Purohit, counsel for the petitioners.
 Shri R.L. Khapre, counsel for the respondents.

CORAM : SMT. VASANTI A NAIK, J.

DATE : OCTOBER 10, 2016.

By this writ petition, the petitioners-Maharashtra State Electricity Distribution Company Limited, Wardha and another, challenge the order of the District Magistrate, Wardha, dated 16.06.2014, directing the petitioners to shift the 33KV line and the poles from the field of the respondents and pay compensation of Rs.2,40,000/- to the respondents towards damages.

Shri Khapre, the learned counsel for the respondents, raises a preliminary objection to the tenability of the writ petition. It is stated that in view of the provisions of Rule 3(3) of the Works of Licensees Rules, 2006, every order made by the District Magistrate under Sub Rule (1) of Rule 3 of the Rules of 2006 is subject to revision by the appropriate commission. It is stated that if the petitioners are of the view that the compensation granted to the respondents is on the higher side and in the circumstances of the case, it was not necessary to direct the petitioners to shift the poles and the 33KV line, it would be necessary for the petitioners to file a revision before the appropriate commission.

On a perusal of the order of the District Magistrate as also the provisions of Rule 3 of the Rules of 2006, it would be necessary to uphold the preliminary objection raised on behalf of the respondents. Several issues are considered by the District Magistrate and they further need to be considered in the revision. The petitioners have not pointed out as to why they have bypassed the remedy of filing the revision under Rule 3(3) of the Rules of 2006. In the circumstances of the case, it would be necessary for the petitioners to avail the alternate remedy.

Hence, for the reasons aforesaid, the writ petition is disposed of with no order as to costs.

The points raised in the petition are kept open.

JUDGE

APTE