

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

WRIT PETITION NO. 2292/2015

(MADAN TUKARAM INGALE & OTHERS **VERSUS** EXECUTIVE ENGINEER, M.S.E.D.C.L.,
BULDANA & OTHERS)

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

Court's or Judge's orders

Shri A.P. Kalmegh, counsel for the petitioners.
Shri S.V. Purohit, counsel for the respondents.

CORAM : SMT.VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATE : JANUARY 28, 2016.

By this petition, the petitioners seek a direction to the respondent no.2-Deputy Executive Engineer, Maharashtra State Electricity Distribution Company Limited, Sub-Division, Buldana to decide the representation of the petitioners, dated 12.03.2015, within a time frame.

According to the petitioners, 1100 KV electricity line is laid in Dongarshewali village and the said line is within a close proximity of the houses of the petitioners and if the same is not removed and shifted to a different place, severe loss could be caused to the life and limb of the villagers, the petitioner and their family members. According to the petitioners, though the petitioners had made a representation to the respondents on 12.03.2015 to relocate the 1100 KV line, the representation of the petitioners, dated 12.03.2015 is not decided by the respondents, much less favourably.

Shri Purohit, the learned counsel for the respondents, seriously disputes the factual position as averred in the writ petition. It is stated that after the electric line was laid in Dongarshewali village in the year 2009, the petitioners had made the construction of the houses/huts in the said village and now, they are complaining about the laying of the electric wire/line. It is denied that there is a likelihood of any loss or damage being caused to the villagers, the petitioners or their family members. It is stated that the petitioners are also not sure about the load factor of the electric line since in some paragraphs of the representation and at some places in the writ petition, the petitioners have stated different load factor of the electric line, viz. 11 KV, 33 KV and 1100 KV. It is stated that the representation made by the petitioners cannot be decided in favour of the petitioners in view of the aforesaid position.

On hearing the learned counsel for the parties, we find that several disputed questions of facts would arise for determination in this writ petition. It would not be possible for this Court, in exercise of the writ jurisdiction to issue any direction against the respondents to remove the electric line from Dongarshewali village. The said line supplies electricity to the entire village. It would be appropriate for the petitioners, if they are really aggrieved by the laying of the line near their houses/huts, to approach the Civil Court so that the parties would be entitled to tender evidence, both oral and documentary. In the circumstances of the case, we decline to entertain the writ petition.

The writ petition is dismissed with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

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