

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2451/2016

Natthu s/o Aadkuji Raut

...Versus...

Manager, Power Greed Corporation of India, Kumhari, Distt. Durg (C.G.) and
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.K. Sable, Advocate for petitioner
Mrs. R.A. Deshpande, AGP for respondent nos.3 and 4

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 27.04.2016

By this writ petition, the petitioner seeks a direction to the respondent no.1 – Power Grid Corporation of India to pay compensation of Rs.2,97,51,000/- to the petitioner.

It is the case of the petitioner that the petitioner is the owner of 1.45 H.R. land and about 325 fruit bearing trees that were standing on the field of the petitioner were destroyed due to the erection of the electric lines through the field of the petitioner. It is stated that the petitioner has computed the amount that is payable to the petitioner towards the loss caused due to the destruction of the trees, through the Sub-Divisional Officer, Chandrapur. It is stated that the trees of the petitioner were worth Rs.2,97,51,000/- and a direction to the respondent no.1 to pay the said amount to the petitioner would be necessary.

The relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction. It would be necessary for the petitioner to plead and prove about the number of trees standing on the land of the petitioner and the destruction of the same. It would also be necessary for the petitioner to prove the value of each Mango, Lemon, Sitafal, Amrut and other trees. The issues involved in this case cannot be decided in exercise of the writ jurisdiction. The petitioner has a remedy under the provisions of the Indian Telegraph Act. The petitioner can also avail the other civil remedies.

Since the issues involved in this writ petition cannot be decided in exercise of the writ jurisdiction, the writ petition is dismissed with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar