

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

WRIT PETITION NO.107/2016

Damodhar Dashrath Dhoble

...Versus...

Union of India through its Secretary, Ministry of Power, New Delhi and another

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

Court's or Judge's orders

Shri Alok Daga, Advocate for petitioner
Ms M.R. Chandurkar, Advocate for respondent no.1
Shri S.C. Mehadia, Advocate for respondent no.2

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

DATE : 07.03.2016

By this writ petition, the petitioner impugns the notification of the respondent no.1, dated 24.12.2003 authorizing the respondent no.2 to exercise the powers vested in the telegraph authority under Part - III of the Indian Telegraph Act, 1985 in respect of the electrical lines and electrical plans established or maintained or to be so established or maintained for the purpose of transmission of electricity.

It is stated on behalf of the petitioner by referring to the provisions of Section 3 (6) of the Telegraph Act that only the Director General of Posts and Telegraphs or any officer empowered by him would be entitled to perform the functions of the telegraph authority under the Act of 1885. It is stated that in

view of the provisions of the Telegraph Act, the respondent no.1 could not have appointed the respondent no.2 as the telegraph authority as it would result in excessive delegation of powers.

We do not find any merit whatsoever, in the submission made on behalf of the petitioner. The respondent no.2 is authorized to exercise the powers of the telegraph authority under the Act of 1885, in view of the powers of the respondent no.1 to so authorize or appoint under Section 164 of the Electricity Act, 2003. The authority to perform the functions of a telegraph authority is granted in view of the provisions of Section 164 of the Electricity Act. A similar issue stands answered against the petitioner by the judgment of the Division Bench of this Court, reported in **2012 (4) Mh.L.J. 625**. Since the respondent no.1 has invoked the powers under Section 164 of the Act of 2003 to authorize the respondent no.2 to act as a telegraph authority for the purpose of performing the functions under the Act of 1985, the writ petition is liable to be dismissed.

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

JUDGE

JUDGE

Wadkar