

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 2017 OF 2012

SUBHASH KESHAV GANDHI

VERSUS

THE MAH STATE ELECTRICITY DIST. COMPANY AND
ANR

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Advocate for Petitioner: Mr. A.S. Gandhi
AGP for Respondent/State: Mr. S.B. Pulkundwar

Advocates for Respondent No.1 : Mr. V.C.
Patil holding for Mr. S.M. Godsay & Mr. D.P.
Palodkar

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CORAM : S.S. SHINDE & S. M. GAVHANE, JJ.

Dated: February 27, 2018

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PER COURT :-

By this Petition under Article 226 of the Constitution of India, the petitioner has claimed following substantive relief :-

"By issuing appropriate writ/direction the respondent no.1 may be directed to pay damages/compensation to the petitioner to the tune of 75,000/- toward the damage of his sugarcane crop to the extent of 40 R at Survey No.124 situated at Rahata burn due to heavy sparking as the "Y" phase

transmission line in between the tower no.259 to 260 of the Bableshtar-Chalisgaon 220 K.V. Line of Bableshtar-Kopergaon electricity transmission line."

2. Learned counsel appearing for the petitioner has submitted that, the sugar cane crop in the field of the petitioner bearing land survey no.124 situated at village Rahata, Tq. Rahata, Dist. Ahmednagar was burnt due to heavy sparking of transmission line between the Tower Nos.259 to 260 of the Bableshtar- Chalisgaon220 K.V. Electricity. The panchanama in that respect was prepared and the petitioner sustained the loss of Rs. 75,000/-.

3. Affidavit in reply is submitted on behalf of the Respondent No.1 and the same is taken on record. In the said affidavit, in paragraph nos.1 and 2, the Executive Engineer of the Respondent No.1 has stated as under :-

"1. I say that, I am filing this short affidavit-in-reply in pursuance to the order of this Hon'ble Court dated 14.11.2017. I tender my

unconditional apology for not receiving the assistance from the deponent in the present case. It is humbly submitted that, initially the MSEDCL has been added as party respondent and later on by amending the petition, MSETCL is added as party respondent. After amendment, it appears that, notice was not issued to MSETCL and hence, the deponent could not appear before this Hon'ble High Court to assist in the matter. Under these circumstances, this Hon'ble Court was pleased to pass the order dated 14.11.2017.

2. I say that, as far as grievance raised in the Petition is concerned, the deponent has verified the office record. The amount of compensation determined by the competent authority, after verifying the title papers of the land, would be paid within a period of eight weeks from today."

4. Learned counsel appearing for the Respondent No.1 has also submitted that, the concerned Respondent is ready to pay

compensation, as stated in the affidavit, subject to verification of the ownership documents of the field of the petitioner by the respondents.

5. In view of the aforementioned contents in paragraph nos.1 and 2 of the affidavit referred to above, nothing survives to adjudicate in this Petition. Therefore, the Petition is disposed of in terms of paragraph nos.1 and 2 of the affidavit in reply of the Respondent No.1.

6. No costs.

(S. M. GAVHANE, J.)

(S.S. SHINDE, J.)

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