IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14315 OF 2018
WITH WP/14316/2018 WITH WP/14317/2018 WITH WP/14318/2018 WITH WP/14319/2018 WITH WP/14320/2018 WITH WP/14321/2018 WITH WP/14322/2018 WITH WP/14323/2018 WITH WP/14324/2018 WITH WP/14325/2018 WITH WP/14326/2018 WITH WP/14327/2018 WITH WP/14328/2018 WITH WP/14329/2018 WITH WP/14330/2018 WITH WP/14331/2018 WITH WP/14332/2018 WITH WP/14333/2018 WITH WP/14334/2018 WITH WP/14335/2018 WITH WP/14336/2018 WITH WP/14337/2018 WITH WP/14338/2018 WITH WP/14339/2018

POWER GRID CORPORATION OF INDIA LTD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Shri Joshi S. H.
AGP for Respondent 1 : Shri Bhagat N.T.
Advocate for Respondents 2 & 3 : Shri Thombre S.S.
and Shri Jadhav K.D.
Advocate for Respondent 2 - in WP 14332/2018 and
Respondents 2 & 3 in WP 14334/2018 : Shri Salunke V.D.
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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 21, 2019
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PER COURT :-

1. I have considered the submissions of the learned Advocates for the respective sides and the learned AGP on 15.1.2019 and today, at length.

2. There is no dispute, that the Sub Divisional Officer would not

have the powers to decide any dispute that would arise with regard to the compensation, under Section 16(3),(4) and (5) of the 1885 Act, in view of the interpretation of Sections 10, 15 and 16 of the Telegraph Act, 1885 ('1885 Act') and the Electricity Rules, 1954 made by the Honourable Apex Court in the matter of the Power Grid Corporation of India Ltd. Vs. Century Textile and Industries Ltd. [(2017) 5 SCC 143]. This view is followed by the learned Division Bench of this Court in the matter of Power Grid Corporation of India Ltd. Vs. State of Maharashtra - Writ Petition Nos. 9315 of 2015 and 4453 of 2014, decided on 4.8.2017, As such, after the revenue authorities assess the compensation, if there is any dispute by the aggrieved party / the claimant, the dispute has to be referred to the District Judge of the area having competent jurisdiction.

3. Learned Advocates for the respondents / farmers have made a two fold grievance. Firstly, that the revenue authorities have conducted a panchanama and the same is sought to be discarded on the ground that the impugned order passed by the Sub Divisional Officer was not sustainable. Secondly, that though the list of farmers and the assessment as regards the payment of compensation has been made by the competent authority of the petitioners, the amounts of compensation admitted by the petitioner have not been

paid to the farmers in some cases.

4. Learned Advocate for the petitioner submits that several farmers have already received their compensation amounts.

5. It is, therefore, obvious that the impugned orders were passed by an authority which did not have the jurisdiction to do so. It is also undisputed, in view of the above referred judgments of the Honourable Apex Court and the learned Division Bench of this Court, that the claims of the respondents / farmers in these cases and the disputes raised by them, will have to be considered by the District Judge.

6. The respondents / farmers have also raised a grievance that the petitioner / Corporation has assessed the loss / damage caused to these farmers because of the laying of the electrical transmission lines, with the aid of the satellite images from the Google Earth application. Learned counsel for the petitioner submits that the aid of Google Earth has been taken in addition to the spot visits.

7. Since these matters are being referred to the District Judge at Aurangabad for adjudication, it would be appropriate to leave all

contentions of the litigating sides open. However, I would be making certain observations about the unpaid amounts and the panchanama, while disposing of these matters today. It is, however, noted that the document cited by Advocate Shri Thombre, is not a panchanama.

8. In view of the above, these petitions are partly allowed. The impugned orders delivered by the Sub Divisional Officer, Aurangabad are quashed and set aside and the disputes raised by the respondents / farmers are remitted to the learned District Judge, Aurangabad.

9. The learned Principal District Judge would ensure that all these matters are allotted to the same District Judge in order to avoid conflicting views.

10. If any panchanama, as is prescribed by law, has been conducted by the appropriate authorities to assess the loss / damage caused to these farmers, the said panchanama would be considered by the learned District Judge, on their merits. So also the petitioner / Corporation shall pay the amounts as per the chart 'List of farmers' submitted by the petitioner / Corporation in each of these cases, as expeditiously as possible and in any case on/or before

20.2.2019, if not already paid. The issue of interest on the said amounts, if not already paid, would be considered by the learned District Judge, while deciding the claims of these farmers. Acceptance of the amounts, as are admitted by the Corporation and paid under the directions of this Court, shall be without prejudice to the rights of these farmers.

11. Needless to state, all contentions of the litigating sides are kept open.

(RAVINDRA V. GHUGE, J.)

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