

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION NO.2866 OF 2018

IN

WRIT PETITION NO.649 OF 2018

(Shri Ramesh s/o Daulatrao Satpute and others ..vs.. Power Grid Warora Transmission Ltd., through
its Manager, Wardha 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 D.R. Pupnarayan, Advocate for the petitioners,
Shri D.M. Kale, Advocate for respondent No.1,
Shri S.M. Ghare, Advocate for respondent No.2.

**CORAM : SUNIL B. SHUKRE AND
ROHIT B. DEO, JJ.**

DATED : 03-12-2019

The petitioners are represented by Advocate Shri D.R. Rupnarayan, who has not withdrawn his Power nor has sought discharge in the matter. He is personally present in the Court and he submits that he is withdrawing the Power on behalf of the petitioners, but there is neither any pursis filed nor written prayer is made for granting discharge to him as an Advocate in the petition. Therefore, this application is premature and is rejected accordingly.

Civil Application No.1812/2019

Disposed of in terms of order passed on Civil Application No.2866/2018.

Writ Petition No.649/2018

The petitioners are the agriculturists through

whose fields, 765 KV transmission line passes along the towers erected in the respective portions of the fields owned by the petitioners. Consequently, the area of the agricultural fields covered by the transmission line towers and transmission cables has been affected and the petitioners are not able to take crops from the affected areas. The petitioners admit that they have received compensation for the damage so caused, in accordance with the provisions of Section 10(b) of the Indian Telegraph Act, 1885, but their grievance is that the compensation that they have received is paltry.

2. Learned Counsel for the respondents submits that the compensation has been determined by the Implementation Committee constituted in terms of Government Resolution dated 31-5-2017. The Committee has determined the compensation and it has been paid also to the petitioners. In such a case, learned Counsel for the respondents further submits that, there is an alternate remedy available to challenge the determination of the compensation made by the Committee. He invites our attention to Clause 3.3 of the Government Resolution dated 31-5-2017 and also to the provisions of Section 16(3) of the Indian Telegraph Act, 1885.

3. We have gone through the provisions made under sub-section (3) of Section 16 of the Indian Telegraph Act,

1885 and also Clause 3.3 of the Government Resolution dated 31-5-2017. We are satisfied that there is alternate remedy available to the petitioners for redressal of their grievance. As such the petition is not maintainable before this Court and it is summarily rejected with liberty to the petitioners to approach the District Judge under Section 16(3) of the Indian Telegraph Act, 1885 or the Collector in terms of Government Resolution dated 31-5-2017 within a period of four weeks from the date of the order. We make it clear that as the petitioners were pursuing a wrong remedy in law, the bar of limitation would not be applicable to them if the petitioners raise any challenge before any of the two authorities within the time granted to them. In case, such a challenge is raised before the authorities, same shall be decided within a period of twelve weeks from the date on which the challenge is filed.

4. The petition is disposed of accordingly. No costs.

JUDGE

JUDGE

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