

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10198 OF 2015

Rafiq Rasool Shaikh .. Petitioner
Versus
General Manager, National Thermal
Power Corporation Limited & Ors .. Respondents

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Mr. Sachin Thorat for the petitioner.
Mr.Y.S. Khochare, AGP for respondent nos.2 to 8.
Mr.M.A. Chaudhari for respondent no.1.

CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.

DATED : 30th JANUARY, 2020.

P.C:-

1 National Thermal Power Corporation (NTPC) required water to flow from Ujani Dam to the site where a Thermal power plant was being erected in village Aaherwadi. A pipeline had to be laid with the head at Ujani Dam and tail in village Aaherwadi. Needless to state the pipeline passed through various parcels of land and relevant for the claim in the Writ Petition is that the pipeline passed through the land of the petitioner comprised in Gat No.396 admeasuring 1H 81 Are in village Aran, District Solapur.

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2 With reference to the 7/12 Revenue extracts, the petitioner pleads that on his land he had planted Mango and Pomegranate trees. The petitioner is aggrieved by a Valuation Report determining compensation to be paid to the petitioner in sum of ₹ 15,42,823/-. As per the petitioner, the same takes into account into the Mango trees which would be adversely affected but ignores the Pomegranate trees.

3 Now, the pipeline cannot adversely affect the entire 1H 81 Are land belonging to the petitioner. Only that strip of land would be affected wherefrom the pipeline passes.

4 The representations made by the petitioner are generic in nature and do not even specify the orientation of the pipeline which had to be laid and as on today has been laid as a matter of fact. Which part of the land would be affected? Nothing has been brought out in the representations or in the Writ Petition.

5 Regretfully, even a panchnama required to be drawn up at site recording how many trees had to be axed has not been filed with the Writ Petition.

6 Under the circumstances, it is not possible for this Court to direct NTPC to compensate petitioner loss of 40 Pomegranate trees.

7 Learned counsel for the petitioner states that during the pendency of the Writ Petition, NTPC has paid to the petitioner only ₹ 13,50,000/-. Learned counsel for the NTPC states that the petitioner has been paid compensation in sum of ₹ 18,00,000/-. We note said facts on account of the reason that they have been orally stated at the hearing. There are no pleadings on this issue. Thus, the said issue is kept alive.

8 With respect to the prayer made in the petition that the petitioner be compensated for 40 Pomegranate trees, finding no material placed before us to grant the said relief, the petition is dismissed.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE