

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12999 OF 2019

Balubai Sonaji Kuber

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Mohit L. Deoda, Advocate h/f Shri Kiran D. Jadhav,
Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 and 2.

Shri Girish Rane, Advocate for the Respondent No. 3.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 06.10.2022.

FINAL ORDER :

. The petitioner is seeking execution of an order passed by the Sub Divisional Officer in purported exercise of powers under Rule 13 of the Central Works Licensing Rules 2006 thereby holding the respondent Power Grid Corporation of India liable to pay amount of compensation in respect of fruit bearing trees affected by high tension line to be laid.

2. It is pointed out that this Court in Writ Petition No. 14315 of 2018, Power Grid Corporation of India Vs. The State of Maharashtra vide order dated 21.01.2019 and order of the Division Bench in the matter of Power Grid Corporation of India Vs. State of Maharashtra in Writ Petition No. 9315 of 2015 and

connected matters decided on 04.08.2017 has held that the Sub Divisional Officer does not have power and jurisdiction to pass such order and the remedy to a person like the petitioner herein is only to approach the District Judge, probably U/Sec. 16 of the Indian Telegraph Act, 1885 (for short “Act of 1885”)

3. Perhaps in view of such state of affairs, by the order dated 15 July 2022, the respondent/Power Grid Corporation of India was directed to place on record a communication about having called the petitioner to receive the compensation determined by it and to be paid to her.

4. The learned advocate for the Power Grid Corporation of India on instructions submits that the compensation to be paid to the petitioner has been assessed by it and it is ready to pay it to her.

5. Learned advocate for the petitioner on instructions submits that the petitioner is ready to accept the amount of compensation determined by the respondent, reserving a right to make a proper representation/reference U/Sec. 16 of the Indian Telegraph Act, 1885.

6. We dispose of the writ petition by permitting the petitioner to approach the respondent and to claim the compensation with liberty to approach the District Judge as contemplated U/Sec. 16 of the Act of 1885. The respondent shall pay the amount of compensation determined by it to the petitioner as early as

possible and in any event within a period of four (04) weeks from today.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Oct. 22