

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 576 OF 2022
AND
CIVIL APPLICATION NO. 909 OF 2022
IN
WRIT PETITION NO. 3302 OF 2021

Pradnya Gopal Giradkar and Others
..VS..
State of Maharashtra & Others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.A. Chandekar, Advocate for petitioners.
Mr. N.S. Rao, Assistant Government Pleader for Respondent
Nos.1 to 3.
Mr. S.D. Zoting, Advocate for Respondent No.4.

CORAM : SUNIL B. SHUKRE AND
SMT. M.S. JAWALKAR, JJ.

DATED : 25.04.2022

CIVIL APPLICATION NO. 576 OF 2022 AND
CIVIL APPLICATION NO. 909 OF 2022

1. Heard.
2. By these applications, the Petitioners have shown their desire to place on record subsequent developments and also question the legality or otherwise of the order dated 22.12.2021 passed by the S.D.O., Umred, District Nagpur. These developments being relevant, both these applications are allowed.

3. Necessary amendments be accordingly carried out to the Petition, on or before the next date.

4. Copy of the amended Petition be filed on record and its copy be also supplied to each of the Respondents with liberty to the Respondents to file their additional reply, if any, in the matter.

WRIT PETITION NO. 3302 OF 2021

1. Mr. Zoting, the learned counsel for Respondent No.4 submits that the Petitioners have already accepted the compensation paid to them through cheques issued by Respondent No.4 as regards crop damage. He further submits that Respondent No.4 has already filed an application before the District Level Committee for determination of compensation for damage to the land caused on account of erection of the electricity transmitter towers in the agricultural fields of the Petitioners, in terms of Government Resolution (G.R.) dated 31.05.2017 and that application is still pending. He submits that pendency of such an application filed in terms of the G.R. dated 31.05.2017 and receipt of part compensation by the Petitioners towards crop damage would debar them for prosecuting this Petition wherein, only two prayers have been made, one for directing the Collector, Nagpur to constitute four members District

Level Committee as per the G.R. dated 31.05.2017 and directing Respondent No.4 to grant appropriate compensation to the Petitioners. He submits that as per the G.R. dated 31.05.2017, District Level Committee is already constituted and it is seized of the matter.

2. Considering these rival contentions made before us, we find it necessary that some more documents must be filed by the rival parties so that, appropriate adjudication can be made.

3. Accordingly, we direct Respondent No.4 to file on record the following documents :-

- (i) Copy of the application made by it to the District Level Committee for determination of compensation for damage to the land as per the G.R. dated 31.05.2017,
- (ii) Copy of the assessment made by an Agricultural Officer regarding crop damage in respect of each of the Petitioners and
- (iii) Copy of the application filed by Respondent No.4 under Section 16(1) of the Indian Telegraph Act, 1885 before the District Magistrate.

Similarly, we also direct the Petitioners to file on record copy of the show-cause notice, if received by any of them in the proceedings initiated by Respondent No.4 in terms of G.R. dated 31.05.2017.

4. Since learned counsel for Respondent No.4 presses for early hearing, let this Petition be posted for final hearing on **27.04.2022**.

(SMT. M.S. JAWALKAR, J.)

(SUNIL B. SHUKRE, J.)

Kirtak