

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

WRIT PETITION NO.4306 OF 2022

1. Pralhad Motiram Jadhav,
Age: 63 years, Occu: Agri,
2. Vishnu Motiram Jadhav,
Through Legal Heir
2-A) Shivilabai Bapurao Deshmukhm,
Age: 47 years, Occu: Agri.,
3. Babu Sampat Sable,
Age: 65 years, Occu: Agri.,
4. Ganesh Motiram Jadhav,
Age: 51 years, Occu: Agri.,
5. Shivaji Tryambak Devre,
Age: 49 years, Occu: Agril.,
6. Dnyaneshwar Fakirba Sable,
Age: 33 years, Occu: Agri.,
7. Shankar Ambadas Jadhav,
Age: 39 years, Occu: Agri.,
8. Ramdas Vitthalrao Devare,
Age: 47 years, Occu: Agri.,
9. Ramdas Sandu Jadhav,
Age: 55 years, Occu: Agri.,
10. Dagduba Tryambak Devre,
Age: 75 years, Occu; Agri.,
11. Dagduba Sampat Sable,
Age: 71 years, Occu: Agri.,
12. Pandit Tejrav Devre,

(2)

Age: 56 years, Occu: Agri.,

13. Kailas Namdev Jadhav,
Age: 44 years, Occu: Agri.,
14. Trimbak Kaduba Sable,
Age: 49 years Occu: Agri.
15. Sitaram Gopal Barade (Deceased),
Through Legal Heir
Pandurang Sitaram Barade
Age: 67 years, Occu: Agri,
16. Ambadas Ramrao Barde,
Age: 53 years, Occu: Agri.,
17. Bharat Ambadas Barade,
Age: 34 years, Occu: Agri.,
18. Avachit Uttam Sable,
Age: 45 years, Occu: Agri.,
19. Sandu Ramrao Lokhande,
Age: 54 years, Occu: Agril.,
All Above R/o. At Post Fattepur Garkheda
Tal. Bhokardhan Dist. Jalna.
20. Gulabrao Maroti Shinde,
Age: 68 years, Occu: Agri.,
R/o. Lingewadi Tal. Bhokardhan
Dist. Jalna.
21. Manohar Laxman Gaikwad,
Age: 30 years, Occu: Agri.,
At Post Fattepur Garkheda
Tal. Bhokardhan Dist. Jalna
22. Bhanudas Sitaram Barade,
Age: 73 years, Occu: Agri.,
At Post Fattepur Garkheda,
Tal. Bhokardhan Dist. Jalna

(3)

23. Samadhan Mahadu Gayakwad,
Age: 48 years, Occu: Agri.,
At Post Fattepur Garkheda,
Tal. Bhokardhan Dist. Jalna
24. Ravsaheb Fakirba Barde (Deceased)
Through Legal Heir
Shantabai Ravsaheb Barde,
Age: 50 years, Occu: Agri.,
At Post Fattepur Garkheda
Tal. Bhokardhan Dist. Jalna,
25. Prakash Devrav Lokhande,
Age: 71 years, Occu: Agri.,
R/o. Baranjala Lokhande
At Post Bhokardhan Dist. Jalna.
26. Santosh Kisan Lokhande,
Age: 34 years, Occu: Agri.,
R/o. Baranjala Lokhande
At Post Bhokardhan Dist. Jalna.
27. Baliram Devrao Lokhande,
Age: 61 years, Occu: Agri.,
R/o. Baranjala Lokhande
At Post Bhokardhan Dist. Jalna.
28. Shankar Sandu Mhaske
Age: 46 years Occu: Agri
R/o. Baranjala Lokhande
At Post Bhokardhan Dist. Jalna.
29. Kailas Devrao Lokhande,
Age: 39 years, Occu: Agri,
R/o. Baranjala Lokhande
At Post Bhokardhan Dist. Jalna.
30. Kakasaheb Sandu Lokhande,
Age: 19 years, Occu: Agri.,
R/o. Baranjala Lokhande
At Post Bhokardhan Dist. Jalna.

(4)

31. Raju Kisan Lokhande,
Age: 31 years, Occu: Agri.,
R/o. Baranjala Lokhande
At Post Bhokardhan Dist. Jalna.
32. Baburao Ganpat Girnare,
Age: 51 years, Occu: Agri.,
R/o. Kodoli PO. Babulgaon
Dist. Jalna.
33. Yadavrao Yashwanta Girnare,
Age: 71 years, Occu: Agril.,
R/o. Kodoli PO. Babulgaon
Dist. Jalna.
34. Mukunda Kautikrao Varade,
Age: 44 years, Occu: Agri.,
R/o. Kodoli PO. Babulgaon
Dist. Jalna.
35. Onkar Pandurang Girnare,
Age: 78 years, Occu: Agri.,
R/o. Kodoli PO. Babulgaon
Dist. Jalna.
36. Ramesh Pandu Girnare,
Age: 50 years, Occu: Agri.,
R/o. Kodoli PO. Babulgaon
Dist. Jalna.
37. Ratan Ramdas Girnare,
Age: 41 years, Occu: Agri.,
R/o. Kodoli PO. Babulgaon
Dist. Jalna.,
38. Ramdasb Devrao Girnare,
Age: 60 years, Occu: Agri.,
R/o. Kodoli PO. Babulgaon
Tal. Bhokardhan Dist. Jalna.
39. Krushna Sahebrao Girnare,
Age: 32 years, Occu: Agri.,

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R/o. Kodoli PO. Babulgaon
Dist. Jalna

40. Manik Ganpat Girnare,
Age: 69 years, Occu: Agri.,
R/o. Kodoli PO. Babulgaon
Tal. Bhokardhan Dist. Jalna.
41. Dattu Kautikrao Varade,
Age: 41 years, Occu: Agri.,
R/o. Kodoli PO. Babulgaon
Dist. Jalna,
42. Amol Devidas Gadhe
Age: 25 years, Occu: Agri,
R/o. Baranjala Sable,
Tal. Bhokardhan Dist. Jalna.
43. Ranjanabai Sahebrao Gadhe
Age: 41 years, Occu: Agri,
R/o. Baranjala Sable,
Tal. Bhokardhan Dist. Jalna,
44. Kautikrao Uttam Sable,
Age: 47 years, Occu: Agri.,
R/o. Tadegaon
Tal. Bhokardhan Dist. Jalna.
45. Gulabrao Uttamrao Sable,
Age: 41 years, Occu: Agri.,
R/o. Baranjala Sable
Taluka Bhokardhan Dist. Jalna.
46. Vishwanath Bhimrav Sable,
Age: 77 years, Occu: Agri.,
R/o. Baranjala Sable
Taluka Bhokardhan Dist. Jalna.
47. Gulabrav Sukhdev Sable,
Age: 49 years, Occu: Agri.,
R/o. Baranjala Sable
Taluka Bhokardhan Dist. Jalna.

48. Jijabai Dhondiba Shinde,
Age: 78 years, Occu: Agri.,
R/o. Tadkalas PO Sipora Bajor
Tal. Bhokardhan Dist. Jalna

49. Santukrao Bhika Borse,
Age: 66 years, Occu: Agri.,
R/o. Tadkalas PO Sipora Bajor
Tal. Bhokardhan Dist. Jalna.

....PETITIONERS

VERSUS

1. The State of Maharashtra
Through Principal Secretary
Ministry of Energy New and Renewable Energy
Maharashtra, Mantralaya Mumbai-32

2. Sub-Divisional Officer, Bhokardan,
Tq. Bhokardan, Dist. Jalna.

3. The Maharashtra Electricity Transmission Company Ltd.
Through its Executive Engineer
Having office at Prashyaskiya Imarat,
Block No. 104, 1st Floor, 132 KV Substation,
In front of Central Jail, Harsul,
Aurangabad, Dist. Aurangabad

4. The District Collector Jalna
Collector office Jalna
Tal. & District Jalna

....RESPONDENTS

AND

WRIT PETITION NO.4309 OF 2022

Sarangdhar Sarjerao Tambe,
Age: 42 years, Occu: Agri.,
R/o. Lingewadi, Tal. Bhokardhan,
Jalna

VERSUS

1. The State of Maharashtra
Through Principal Secretary
Ministry of Energy New and Renewable Energy
Maharashtra, Mantralaya Mumbai-32
2. Sub-Divisional Officer, Bhokardan,
Tq. Bhokardan, Dist. Jalna.
3. The Maharashtra Electricity Transmission Company Ltd.
Through its Executive Engineer
Having office at Prashyaskiya Imarat,
Block No. 104, 1st Floor, 132 KV Substation,
In front of Central Jail, Harsul,
Aurangabad, Dist. Aurangabad

AND
WRIT PETITION NO.4310 OF 2022

1. Gajanan Anna Pawar,
Age: 41 years, Occu: Agri,
Add:- S/o Anna Pawar, Mu. Aradkheda
Tq Jafrabad, Jalna, Maharashtra. 431 206
2. Sayyad Habib Sayyad Gulab,
Age: 70 years, Occu: Agri.,
Add: S/o Sayyad Gulab, Mu. Aradkheda
Tq Jafrabad, Jalna, Maharashtra. 431 206
3. Sayyad Afsar Gulab Sayyad,
Age: 45 years, Occu: Agri.,
Add:- S/o Sayyad Gulab, Mu. Aradkheda
Tq Jafrabad, Jalna, Maharashtra. 431 206
4. Ramkisan Mukanda Jadhav,
Age: 25 years, Occu: Agri.,
Add S/o Mukunda Jadhav, Post Jafrabad,
At Varkheda Vira, Tq. Jafrabad,
Dist. Jalna, Maharashtra. 431 206
5. Bhikabai Ramji Dandge,

(8)

Age: 58 years, Occu: Agril..
Add.: W/o Ramji Dandge Aradkheda
Tq Jafrabad, Jalna, Maharashtra. 431 206

6. Bhaskar Bhikaji Dandage,
Age: 76 years, Occu: Agri.,
Add.: S/o. Bhikaji Dandge Aradkheda
Tq Jafrabad, Gholewadi, Jalna,
Maharashtra. 431 206
7. Pandurang Kundlik Sonune,
Age: 61 years, Occu: Agri.,
Add.: S/o. Kundlik Sonune Savarkheda,
Tq. Jafrabad, Dist. Jalna,
Maharashtra. 431 206
8. Dadarao Dayanand Gofane,
Age 60 years, Occu: Agri.,
Add.: S/o. Dayanand Gopfane,
At Aradkheda Tq Jafrabad, Jalna,
Maharashtra. 431 206
9. Shankar Saluba Sonune,
Age: 58 years, Occu: Agri.,
Add.: S/o Saluba Sonune Savarkheda,
Tq. Jafrabad, Dist. Jalna,
Maharashtra. 431 206
10. Prakash Tukaram Jadhav,
Age: 56 years, Occu: Agri.,
Add.: S/o. Tukaram Jadhav, Savarkheda,
Tq. Jafrabad, Dist. Jalna,
Maharashtra. 431 206
11. Kautikrao Tukaram Jadhav,
Age: 72 years, Occu: Agri.,
Add.: S/o. Tukaram Jadhav, Savarkheda,
Tq. Jafrabad, Dist. Jalna,
Maharashtra. 431 206
12. Dipak Baburao Sonune,
Age: 34 years, Occu: Agri.,

Add.:- S/o. Baburao Sonune, Savarkheda,
Tq. Jafrabad, Dist. Jalna,
Maharashtra. 431 206

13. Sayyad Ismail Sayyad Lal,
Age: 53 years, Occu: Agri.,
Add.:- S/o. Ismail Sayyad Lal,
At Aradkheda Tq Jafrabad, Jalna,
Maharashtra. 431 206
14. Ganesh Ramkrushn Theng,
Age: 65 years Occu: Agri.
Add.:- S/o. Ramkrushan Thang,
At Jawkheda Theng, Tq. Jafrabad,
Warud Kh.,Jalna,
Maharashtra 431 206
15. Sakharam Vithoba Nihal,
Age: 55 years, Occu: Agri,
Add.:- S/o. Vithoba Nihal,
At Jawkheda Theng, Tq. Jafrabad,
Warud Kh.,Jalna,
Maharashtra 431 206
16. Dnyaneshwar Rangnath Divte,
Age: 42 years, Occu: Agri.,
Add.:- S/o. Rangnath Divte,
At Jawkheda Theng, Tq. Jafrabad,
Warud Kh.,Jalna,
Maharashtra 431 206
17. Ganpat Dagadu Giri,
Age: 55 years, Occu: Agri.,
Add.:- S/o. Dagdu Giri,
At Jawkheda Theng, Tq. Jafrabad,
Warud Kh.,Jalna,
Maharashtra 431 206
18. Sheshrao Uttam Shinde,
Age: 44 years, Occu: Agri.,
Add.:- S/o. Uttam Shinde,
At Jawkheda Theng, Tq. Jafrabad,

Warud Kh.,Jalna,
Maharashtra 431 206

19. Namdev Kisan Taral,
Age: 75 years, Occu: Agril.,
Add.:- S/o. Kisan Taral,
At Jawkheda Theng, Tq. Jafrabad,
Warud Kh.,Jalna,
Maharashtra 431 206
20. Nana Natha Nyahal,
Age: 65 years, Occu: Agri.,
Add.:-Natha Nyahal
At Jawkheda Theng, Tq. Jafrabad,
Warud Kh.,Jalna,
Maharashtra 431 206
21. Pandharinath Vitthal Bhokre,
Age: 48 years, Occu: Agri.,
Add.:- S/o. Vitthal Bhokre
At Jawkheda Theng, Tq. Jafrabad,
Warud Kh. Jalna,
Maharashtra 431 206
22. Radhabai Sahebrao Makode,
Age: 66 years, Occu: Agri.,
Add.:- W/o. Sahebrao Makode,
At Jawkheda Theng, Tq. Jafrabad,
Warud Kh.,Jalna,
Maharashtra 431 206
23. Sukdev Satvaji Nihal,
Age: 71 years, Occu: Agri.,
Add.:- S/o. Satvaji Nihal
At Jawkheda Theng. Tq. Jafrabad,
Warud Kh.,Jalna,
Maharashtra 431 206
24. Godavari Ramkrshan Adabne
Age: 62 years, Occu: Agri.,
Add.:- W/o. Ramkrushna Adabne
At Jawkheda Theng, Tq. Jafrabad,

Warud Kh., Jalna,
Maharashtra 431 206

25. Prakash Natha Nyahal,
Age: 42 years, Occu: Agri.,
Add.: S/o. Natha Nyahal,
At Jawkheda Theng,
Tq. Jafrabad, Warud Kh., Jalna,
Maharashtra 431 206
26. Vishnu Tejrao Avhad,
Age: 50 years, Occu: Agri.,
Add.: S/o. Tejrao Avhad,
At Jawkheda Theng, Tq. Jafrabad,
Warud Kh. Jalna,
Maharashtra 431 206
27. Kundlik Rauba Borde,
Age: 75 years, Occu: Agri.,
Add.: S/o. Rauba Borde,
At Jawkheda Theng. Tq. Jafrabad,
Warud Kh. Jalna,
Maharashtra 431 206
28. Ganesh Dagduba Pawar
Age: 37 years Occu: Agri
Add.: S/o. Dagduba Pawar
At Aradkheda Tq Jafrabad, Jalna,
Maharashtra. 431 206
29. Himmatrao Pundlik Sonune,
Age: 47 years, Occu: Agri,
Add.: S/o. Pundlik Sonune, Savarkheda,
Tq. Jafrabad, Jalna,
Maharashtra. 431 206
30. Dadarao Shamrao Sonwane
Age: 62 years, Occu: Agri,
Add.: S/o. Shamrao Sonune Savarkheda,
Tq. Jafrabad, Jalna,
Maharashtra. 431 206

31. Kadar Kha Ismail Khan Kureshi,
Age: 55 years, Occu: Agri.,
Add.: - S/o. Ismail Khan Kureshi,
Andarun Kila, Tq. Jafrabad, Jalna,
Maharashtra. 431 206
32. Jamir Kha Rahim Kha Kureshi,
Age: 40 years, Occu: Agri.,
Add.: - S/o. Rahim Kha Kureshi,
Andarun Kila, Jafrabad, Jalna,
Maharashtra. 431 206
33. Javed Khan Saheb Khan Kureshi,
Age: 42 years, Occu: Agril.,
Add.: - S/o. Saheb Khan Kureshi,
Mangal Bajar, Jafrabad, Jalna,
Maharashtra. 431 206
34. Gaffar Khan Najeer Khan Kureshi,
Age: 55 years, Occu: Agri.,
Add.: - S/o. Najeer Khan Kureshi,
Kureshi Mohalla Jafrabad, Jalna,
Maharashtra. 431 206
35. Abdul Rehman Abdul Saleem,
Age: 50 years, Occu: Agri.,
Add.: - S/o. Abdul Saleem, 124,
Pathan Galli, Killa, Jafrabad, Jalna,
Maharashtra. 431 206
36. Shaikh Naim Shaikh Halim,
Age: 36 years, Occu: Agri.,
Add.: - S/o. Shaikh Halim,
Andarun Kila, Tq. Jafrabad, Jalna,
Maharashtra. 431 206
37. Swanand Shivprasad Dixit,
Age: 42 years, Occu: Agri.,
Add.: - S/o. Shivprasad Dixit,
At Post Jafrabad, near Bus stand, Jalna,
Maharashtra. 431 206

38. Sakhubai Kishan Kolhe,
Age: 73 years, Occu: Agri.,
Add.: - W/o. Kishan Kolhe,
Holkar Nagar, Jafrabad, Jalna,
Maharashtra, 431 206
39. Karbhari Triyambak Sormare,
Age: 41 years, Occu: Agri.,
Add.: - S/o. Triyambak Sormare,
Ahilyadevi Nagar, Jafrabad, Jalna,
Maharashtra. 431 206
40. Ajhar Ahmad Sandu Shaikh,
Age: 48 years, Occu: Agri.,
Add.: - S/o. Sandu Shaikh, Navin Vasati,
Jafrabad, Jalna,
Maharashtra. 431 206
41. Shaikh Masud Shaikh Sandu,
Age: 41 years, Occu: Agri.,
Add.: - S/o. Shaikh Sandu, Barad Vibhag,
Annabhau Sathe Nagar Jalna,
Maharashtra. 431 206
42. Shaikh Majhar Shaikh Sandu
Age: 52 years, Occu: Agri,
Add.: - S/o. Shaikh Sandu, Halkora Nagar,
Jafrabad Jalna, Maharashtra. 431 206
43. Nagorao Namdev Vaidya
Age: 55 years, Occu: Agri,
Add.: - S/o. Namdev Vaidya, Ahilyabai Nagar,
Jafrabad Jalna,
Maharashtra. 431 206
44. Nirmalabai Ramesh Gofane,
Age: 49 years, Occu: Agri.,
Add.: - W/o. Ramesh Gophane, Sathe Nagar,
Jafrabad Jalna,
Maharashtra. 431 206.
45. Sahebrao Kaluba Gophane,

Age: 70 years, Occu: Agri.,
Add:- S/o. Kaluba Gophane,
Sathe Nagar, Jafrabad Jalna,
Maharashtra. 431 206

46. Sanduji Vishram Gophane,
Age: 63 years, Occu: Agri.,
Add:- S/o. Vishram Gophane,
Annabhau Sathe Nagar,
Jafrabad Jalna,
Maharashtra. 431 206
47. Sanjay Sanduji Gophane,
Age: 43 years, Occu: Agri.,
Add:- S/o. Sanduji Gophane,
Barad Vibhag Annabhau Sathe Nagar,
Jafrabad, Jalna, Maharashtra. 431 206
48. Vijay Sanduji Gofane,
Age: 46 years, Occu: Agri.,
Add:- S/o. Sanduji Gophane,
Sathe Nagar, Jafrabad, Jalna,
Maharashtra. 431 206
49. Mahadu Kaluba Sormare,
Age: 50 years, Occu: Agri.,
Add:- S/o. Kaluba Sormare,
Ahilyadevi Holkar Nagar, Jafrabad,
Jalna, Maharashtra. 431 206
50. Santosh Gangaram Tale,
Age: 51 years, Occu: Agri.,
Add:- S/o. Gangaram Tale, Board Vibhag,
Ahilyabai Holkar Nagar,
Jafrabad, Jalna,
Maharashtra. 431 206
51. Chhaya Bhikaji Lokhande,
Age: 50 years, Occu: Agri.,
Add:-W/o. Bhikaji Lokhande,
Type 2B Building No. 10, Room No. 57,
IIT Bombay Campus,

Lake Side, Pawai, IIT Bombay,
Mumbai (Suverben),
Maharashtra – 400076.

....PETITIONERS

VERSUS

1. The State of Maharashtra
Through Principal Secretary
Ministry of Energy New and Renewable Energy
Maharashtra, Mantralaya Mumbai-32
 2. Sub-Divisional Officer, Bhokardan,
Tq. Bhokardan, Dist. Jalna.
 3. The Maharashtra Electricity Transmission Company Ltd.
Through its Executive Engineer
Having office at Prashyaskiya Imarat,
Block No. 104, 1" Floor, 132 KV Substation,
In front of Central Jail, Harsul,
Aurangabad, Dist. Aurangabad
 4. The District Collector Jalna
Collector office Jalna
Tal. & District Jalna
-RESPONDENTS

....
Mr D. S. Manorkar, Advocate for Petitioners;
Mr P. K. Lakhotiya, A.G.P. for Respondents/State
Mr A. M. Gaikwad, Advocate for Respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 25th July, 2023

ORAL JUDGMENT (PER : Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The undisputed factors in all these cases, wherein the Petitioners are identically placed, are as under :-

(a) The electricity transmission company has erected towers in the lands of these Petitioners.

(b) By using these towers, the transmission lines have been laid on the Jafrabad-Bhokardan Segment.

(c) Section 10 of the Indian Telegraph Act, 1893, provides under Clause (b), that the Central Government shall not acquire any right other than that of user, only in the property under, over, along, across, in or upon, which the telegraph authority places its telegraph lines or post.

(d) The Government Resolution dated 01/11/2010 pertains to grant of compensation to the land owners in relation to the erection of the towers.

(e) The Government Resolution dated 31/05/2017 is in relation to the transmission lines, through which the high tension electricity supply is made and the compensation is provided under Clause 1, 2 and 3.2 (to the extent of these Petitioners), as under :-

“१) अतिउच्चदाब मनोऱ्याने व्याप्त जमीनीच्या मोजणीप्रमाणे आलेल्या क्षेत्रफळाचे, जिल्हास्तरीय अंमलबजावणी समितीने त्या त्या वेळी प्रचलित असलेल्या संबंधित भागातील शासनाच्या दरपत्रकाप्रमाणे (Ready Reckoner) मूल्यांकन करून त्याच्या दुप्पट मोबदला देण्यात यावा.

२) अतिउच्चदाब पारेषण वाहिनीच्या तारेखालील (Wire Corridor) जमिनीचा, त्या त्या वेळी प्रचलित असलेल्या संबंधित भागातील शासनाच्या दर पत्रकाप्रमाणे (Ready Reckoner) मूल्यांकनाच्या १५% मोबदला देण्यात यावा.

३.२ सदर समितीने आपल्या विभागांतर्गत उभारलेल्या अतिउच्चदाब मनोऱ्याने व्याप्त व वाहिनीच्या तारेखालील जमिनीची मोजणी करावी व प्रस्तावाप्रमाणे मूल्यांकन करून मोबदला निश्चित करावा.”

3. Since the Government Resolution dated 31/05/2017 provides for a formation of a Committee with the Sub Divisional Officer as the Chair person, the said Committee delivered the orders with regard to these Petitioners on 03/02/2020, 21/09/2020 and 14/02/2020, in these respective petitions.

4. In the operative part of the order dated 03/02/2020, it is provided under Clauses 1 and 2, which read thus :-

“1. वरील विवेचनावरून कार्यकारी अभियंता, अउदा. प्रकल्प विभाग, महापारेषण, औरंगाबाद यांना आदेशीत करण्यात येते की, दुय्यम निबंधक, भोकरदन यांचे मुल्यांकनानुसार सर्व शेतमालकांना त्यांच्या शेतजमिनीत उभारण्यात आलेल्या मनोन्याखालील व्यापलेल्या जमिनीच्या नुकसानीचा मावेजा सोबतच्या यादीमध्ये दर्शविलेल्या संबंधितास आपल्या स्तरावरून नियमानुसार अदा करण्यात यावे.

2. तसेच केंद्रीय ऊर्जा मंत्रालय, भारत सरकार यांचे मार्गदर्शक तत्वे No. 3/7/2015- Trans दि. 15 ऑक्टोबर, 2015 प्रमाणे प्रबंधक, कार्यकारी अभियंता, अउदा. प्रकल्प विभाग, महापारेषण, औरंगाबाद यांनी सर्व संबंधीत बाधीत शेतक—यांच्या जमिनीमधून जाणाऱ्या विद्युत तारे खालील जमीनीची मोजणी करून त्यांना त्याच्या नियमानुसार देय होणारा मोबदला 45 दिवसांचे आत संबंधितास अदा करण्यात यावा. तसेच रक्कम प्रदान केलेल्या क्षेत्रफळाची नोंद 7/12 पत्रकावरून कमी करून महापारेषण कंपनीचे नावे फेर घेण्यास संबंधित तहसिलदार भोकरदन यांचेकडे संपर्क साधावा.”

5. For the portion of land occupied by the towers, the compensation is twice of the ready reckoner rates.

6. Insofar as the area beneath the transmission line is concerned, the compensation is 15% of the ready reckoner rates.

7. The dispute arises out of the orders of the Sub Divisional Officer, Bhokardan, dated 03/02/2020, 21/09/2020 and

14/02/2020, passed in the respective petitions. From the first page of the order dated 03/02/2020, we have referred to the following portion :-

“त्याअर्थी कार्यकारी अभियंता, अउदा. प्रकल्प विभाग, महापारेषण, औरंगाबाद यांचे कार्यालयाचे पत्र का अ/अडदा/वि औरंगाबाद/330 दिनांक 26/07/2019 व दिनांक: 19/09/2019 अन्वये सादर केलेल्या प्रस्तावानुसार संबंधीत शेतक—यांच्या बाधीत क्षेत्राबाबत या कार्यालयाचे पत्र दि.11/12/2019 अन्वये दुय्यम निबंधक भोकरदन यांचे कार्यालयाकडून सदर जमिनीचे मुल्यांकन सादर करणेबाबत कळविण्यात आले होते. दुय्यम निबंधक भोकरदन यांचे कार्यालयाकडून प्राप्त प्रस्तावातील चालू मुल्यांकनानुसार संबंधीत बाधीत शेतजमीन मालकांना मोबदल्याची रक्कम खालील विवरणपत्रामध्ये निश्चीत करण्यात येत आहे.”

8. From the above, it is apparent that, the ready reckoner rates were sought from the Sub Registrar, Bhokardan, and based on the same, the amount of compensation to be paid, was described in the chart that followed. The contention of the Company is that, the figures mentioned under Column 8 of the chart, for the purposes of payment of compensation for the area, above which the transmission lines were laid, are the ready reckoner rates and 15% of that amount is to be re-calculated and paid. The learned Advocate for the Petitioners, submits by relying on the last sentence reproduced above, that the said figure under

Column 8 of the chart is the actual figure of compensation amount to be paid.

9. We find that the Company has paid the exact amounts that were mentioned with regard to the farmers from Sr. No.87 till 99 in the order dated 03/02/2020, who were entitled for compensation in relation to the land occupied by the towers. The Company interprets the figures in Column 8 of the chart to the extent of farmers at Sr. Nos.1 to 86, as being ready reckoner rates and, hence, the Company is liable to pay only 15% of that component.

10. In view of the above and since the orders dated 03/02/2020, 21/09/2020 and 14/02/2020 are not clear, **all these petitions are partly allowed** and these impugned orders dated 03/02/2020, 21/09/2020 and 14/02/2020, are quashed and set aside.

11. We direct Respondent No.2, to consider the provisions of the Government Resolution and decide, as to whether the figures mentioned in Column 8 of the chart for the purposes of the farmers at Sr. Nos.1 to 86, are the exact amounts, which are to be

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paid to these farmers, or whether 15% of those amounts is to be calculated, so as to be paid to the Petitioners/farmers.

12. We expect Respondent No.2 to apply his mind, draw a conclusion about the exact amount to be paid and by quantifying the exact amount as prescribed in the Government Resolution, issue specific directions to the Company to pay the said amount. Let this decision be arrived at by Respondent No.2, within 45 days from today. After he decides the exact amount to be paid to these Petitioners, if the amounts already paid by the Company are less than the amounts quantified by Respondent No.2, the Company would be liable to pay the said deficit amounts to the Petitioners within 15 days.

13. In the event of either of the parties being aggrieved by the decision of Respondent No.2 in pursuance to the above directions, they would be at liberty to avail of a remedy, as is permissible in law.

14. Rule is made partly absolute in the above terms.

(Y. G. KHOBRADE, J.)
sjk

(RAVINDRA V. GHUGE, J.)