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916wp6206.14

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO. 6206 OF 2014

AND

WRIT PETITION NO. 6096 OF 2014

AND

WRIT PETITION NO. 6159 OF 2014

AND

WRIT PETITION NO. 6160 OF 2014

AND

WRIT PETITION NO. 6094 OF 2014

AND

WRIT PETITION NO. 6093 OF 2014

AND

WRIT PETITION NO. 6100 OF 2014

AND

WRIT PETITION NO. 6095 OF 2014

AND

WRIT PETITION NO. 6102 OF 2014

AND

WRIT PETITION NO. 6101 OF 2014

AND

WRIT PETITION NO. 6161 OF 2014

TUKARAM SHANKAR NARWADE

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondents

Mr. A. G. Vasmatkar, Advocate for the petitioners
Mr. Subhas Joshi, Advocate for respondent No.2
Mrs. R. R. Tandale, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 29th AUGUST, 2024

P. C.

1. Heard for sometime.
2. The order dated 03-01-2024 passed by the learned District Collector, Hingoli is under challenge, wherein he rejected the application of the present petitioners.
3. The petitioners had approached the learned Collector for compensation of a high tension power line went through his land and still no proper compensation was paid to them.
4. It is held by the learned Collector that he has no jurisdiction to entertain applications and enhance the compensation.

5. Learned advocate for the petitioners submits that in fact petitioners had not approached for enhancement in the amount of compensation but had approached for compensation for using the lands for the purpose of laying down high tension power line through their lands. He thus, prays for remand of the matter.

6. Learned advocate for respondent No.2 submits that in fact compensation of Rs.42,294/- was paid to petitioner - Tukaram one of the petitioners. Likewise compensation was paid to all these petitioners. He further submits that the learned Collector has rightly passed the orders as there is no jurisdiction to the Collector to decide such matters. Power to decide the question is with the Principal District Judge under Section 16 of the Telegraph Act, 1885. In view of this, petition itself deserves to be dismissed as the petitioners had approached the wrong forum. He relied upon certain judgments.

7. The learned AGP also supports the arguments of respondent No.2.

8. This court need not go into the other aspects involved in these petitions.

9. In view of above, these petitions by using suitable directions can be disposed off. The petitioners are directed to approach the concerned Principal District Judge having jurisdiction with their prayers keeping all the contentions of the parties open. So far as limitation is concerned, the learned District Judge shall consider the time spent from filing of this petition till today.

10. With this, petition stands disposed off. No order as to costs.

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11. Needless to say that the petitioners shall not be entitled to receive any interest for the period for which petitioners were before this court.

[KISHORE C. SANT, J.]

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