



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

WRIT PETITION NO. 10547 OF 2024

**TEQ GREEN POWER XI PRIVATE LIMITED THROUGH MR
BACHITAR PAL SINGH**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE INDUSTRIES
ENERGY AND LABOUR DEPARTMENT AND OTHERS**

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Mr. Sanjeev B. Deshpande, Senior Advocate i/b Mr. Rahul R. Totala, Ms Shreya Mukherjee, Mr. Swapnil V. Lohiya, Mr. Vedant S. Kabra, Mr. Sidhant Somani, Advocates for the Petitioner
Ms Neha Kamble, AGP for Respondent Nos. 1 to 4 – State

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

DATE : 25.09.2024

PER COURT :-

1. This matter was not on board. At 10.30 a.m., the learned Advocate for the Petitioner moved a motion for an urgent hearing. Considering the extreme urgency voiced, this Petition is taken on the production board with the intimation to the learned AGP to take instructions.

2. After lunch, the matter was called out from the production board. Since we are passing an innocuous order and as

no relief is sought against the Gram Panchayat in the hearing before us today, we have not issued notice to Respondent No.5 and we have relied upon the submissions of the learned AGP on behalf of Respondent Nos. 1 to 4. Considering the order that we propose to pass, we are not adverting to the entire submissions of the learned Counsel for the respective sides. Suffice it to say that Respondent No.5 Jategaon Village Panchayat, has raised a dispute that the Petitioner, which is setting up a renewable energy park with a cumulative capacity of 350 M W of solar and wind capacity, has illegally encroached upon the Gairan land Gat No.675, when it was allotted land bearing Gat No.155 in Mohari village. In the backdrop of the allegation that the Petitioner has encroached upon a land Gat No.675, which is Gairan land, steps are being initiated by the Revenue Authorities to ensure that the encroachment is removed.

3. The learned Senior Advocate appearing along with learned Advocates on behalf of the Petitioner, submits that even if the Petitioner is assumed to be an encroacher, the Gram Panchayat has to follow the due procedure laid down in law and establish that the Petitioner has encroached upon the particular portion of land. Thereafter, a procedure is to be followed for removal of

encroachment. Joint measurement of the lands has not been done.

4. The learned AGP submits on instructions that the Gram Panchayat has got the land measured and it appears that the Petitioner has encroached on the Government land Gat No.675. This is evident from the measurement sheet No.2741, dated 14.08.2024. The copy of the measurement notes received by the learned AGP, are placed before us, which are marked as “X-1” for identification.

5. The learned Senior Advocate for the Petitioner submits that the measurement has been carried out unilaterally. The Government Authorities have already stopped the progress of their project. To establish the *bona-fides* of the Petitioner, a joint measurement may be carried out. For the time being, the Petitioner would deposit the measurement fees, which otherwise should have been borne to the extent of 50% by the Gram Panchayat and an equal share by the Petitioner. The Project work would not be continued, provided the joint measurement is carried out expeditiously and if the measurement report generated by the Competent Authority indicates that the Petitioner has encroached upon Gat No. 675, the Petitioner would approach the Civil Court for seeking redressal of his grievance.

6. The learned AGP submits on instructions that the Deputy Superintendent of Land Records (Dy. SLR) would carry out the joint measurement, after the Petitioner deposits the measurement fees.

7. In view of the above, **this Writ Petition is disposed off** in the light of the above statements and with the following directions :-

- (a) The Dy. SLR of Jamkhed, District Ahmednagar, shall prepare the calculations of the measurement fees.
- (b) The Petitioner would approach the Dy. SLR for perusal of the quantification of the fees on 03.10.2024. After the amount is deposited by the Petitioner, a joint measurement of the land shall be carried out with due notice to the Petitioner as well as Respondent No.5.
- (c) The Tahsildar shall ensure that an unnecessary crowd does not gather at the site of measurement on the date and time scheduled for such measurement and it would only be the Sarpanch and the Gramsevak, who would remain present at the site.
- (d) Seven days clear notice shall be issued to the parties by the Dy. SLR. Such notice shall be issued within two days of the depositing of the measurement fees.
- (e) Videography of the measurement would also be carried out by the Dy. SLR.

- (f) The DSLR would generate a report of the measurement and prepare a sketch map within 15 days from the date of measurement and also prepare pen-drives of the said measurement report and the sketch map, to be delivered to the Petitioner as well as to the Gram Panchayat.
- (g) If the Petitioner is aggrieved by the measurement report, liberty is granted to the Petitioner to approach the Civil Court within 15 days from the receipt of the measurement report/pen drive.
- (h) The project work would be paused / stalled until the declaration of the measurement report and if the same is adverse to the Petitioner, the project work would be stalled until the Petitioner receives any orders from the Civil Court in the Civil Suit which may be filed.

8. The status of the project is depicted by the 10 colour photographs placed before the Court by the Petitioner. The compilation of the said photographs is marked as “X-2” for identification. The status-quo as regards to project would mean that the Petitioner would not proceed with the further project work and the status as appearing from the said photographs, shall be maintained.

9. Eventually, if it is established that the claim or allegations of Respondent No.5 are proved to be baseless, the Gram Panchayat would be obliged to deposit 50% of the measurement charges with the Petitioner, inasmuch as, the Petitioner would be at liberty to avail of any remedy as it may be advised, as against the Gram Panchayat.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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