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1030 wp 11377.18

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

1030 WRIT PETITION NO. 11377 OF 2018

**RAMRAO VITHOBA KALE
VERSUS
THE COLLECTOR JALNA AND ANOTHER**

**AND
WRIT PETITION NO. 14237 OF 2018**

**VILAS NANASAHEB THOMBRE
VERSUS
THE SUB DIVISIONAL OFFICER AURANGABAD AND ANOTHER**

**AND
WRIT PETITION NO. 14204 OF 2018**

**SITARAM BALWANTA @ BALIRAM KUBER AND ORS
VERSUS
THE SUB DIVISIONAL OFFICER AND ANOTHER**

**AND
WRIT PETITION NO. 14233 OF 2018**

**BABASAHEB KESHAVRAO THOMBRE
VERSUS
THE SUB DIVISIONAL OFFICER AURANGABAD AND ANOTHER**

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Advocate for the Petitioners : S/Shri Amol Gawali & Yeramwar Sushant C.
AGP for Respondents/State : S/Shri S.K. Tambe & R.S. Wani
Advocate for R/2 in WP/11377/2018: Mr. Girish Rane
Advocate for R/2 : Mr. S.S. Joshi

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 25th January, 2024**

P.C. :-

1. The three matters which were not on board, were taken on the production board, by consent of the parties.
2. The learned advocate for the Petitioners submits that the Single Judge Bench of this Court had passed an order on 21.01.2019 in a group of Writ Petitions (Writ Petition No.14315/2018 and connected matters), **Power Grid Corporation of India Limited V/s. State of Maharashtra and Ors.**, thereby concluding that the remedy to the aggrieved persons who have suffered loss / damage caused on account of laying of the high tension distribution line over their agricultural fields, is of approaching the learned Principal District Judge. Reliance was placed on the judgments of the Hon'ble Supreme Court mentioned in paragraph 3 of the said order.
3. The learned advocate representing the Corporation relies upon the following orders of this Court:
 - i) Order dated 18.02.2016 in Writ Petition No.12052/2015 (Ramesh Nivrutti Shinde V/s. Power Grid Corporation of India Ltd. and Anr.)
 - ii) Order dated 25.07.2017 in Writ Petition No.4356/2016 (Ranjeet Padmakar Muley V/s. The State of Maharashtra & Ors.)
 - iii) Order dated 30.01.2019 in Writ Petition No.536/2018 (Shridhar Deorao Jadhav V/s. The Regional Manager Power Grid Corporation of India Ltd. and Ors.)

- iv) Order dated 08.03.2021 in Writ Petition No.12953/2019 (Sarang S/o Avinash Joshi V/s. The State of Maharashtra & Ors.)
- v) Order dated 02.09.2021 in Writ Petition No.4956/2021 (Gorakh Bhaurao Pawar V/s. The State of Maharashtra & Ors.)
- vi) Order dated 06.10.2022 in Writ Petition No.12999/2019 (Balubai Sonaji Kuber V/s. The State of Maharashtra & Ors.)

4. In view of the above, the learned advocate for the Petitioners prays for liberty to withdraw these petitions, since some of the Petitioners have already preferred Regular Civil Suit Nos.1 and 4/2019 and the remaining Petitioners are also desirous of filing such suits.

5. Shri Joshi the learned advocate along with Shri Rane, appearing on behalf of the Respondents, submits that the Petitioners have actually played a dubious role. They initially preferred petitions before this Court. When they did not succeed in getting favourable orders, they approached the Civil Court. When the Civil Court raised an objection as regards the pendency of these petitions, they are now trying to seek liberty to withdraw these petitions. This amounts to forum shopping and each of the Petitioners should be saddled with costs of at least Rs.50,000/-.

6. The learned advocate for the Petitioners submits that these Petitioners are marginal farmers. They were unable to even pay the Court fees

before the Civil Court in the civil suits. They are unable to pay costs considering their agricultural background and meager earnings from agricultural activities. He, therefore, prays that the Petitioners be pardoned and costs may not be imposed.

7. In view of the above submissions, we are not imposing costs.

8. **All these petitions are disposed off** as withdrawn on instructions. All the contentions of the litigating parties are kept open to be considered by the Civil Court.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]