



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 85 OF 2024

(Roshan Punjab Patil and others ..vs.. The State of Maharashtra, through its Secretary, Mumbai and others)

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

Court's or Judge's orders

Mr. Amit Balpande, Counsel for the petitioners,
Mr. A.M. Kadukar, AGP for respondent Nos.1 and 2,
Mr. G.A. Kunte, Counsel for respondent No.3.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 01-08-2024

The petitioners seek compensation in terms of the Government Resolution dated 31-5-2017 since respondent No.3 has laid down high tension line across the fields of the petitioners. The order passed under Section 16(1) of the Indian Telegraph Act, 1885 (for short the "Act") by the Sub-Divisional Magistrate is under challenge.

2. We find, after hearing the learned Counsel for the parties, that if the petitioners are not satisfied with the compensation awarded under Section 16(1) of the Act, remedy under Section 16(3) of the Act is available to them. Insofar as grant of compensation is concerned, the same is required to be granted in terms of the Government Resolutions dated 31-5-2017 and 02-11-2022.

3. The writ petition stands disposed of by directing respondent No.3 to disburse the compensation in accordance with the aforesaid Government Resolutions expeditiously and preferably within a period of three months from the date of production of copy of this order. While deciding the issue of compensation, the authority shall be sensitive to the date on which the petitioner has lost the possession and the compensation paid as it is claimed that the compensation was paid at belated stage.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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