



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

WRIT PETITION NO.8929 OF 2019

Gajanan S/o Baliram Shinde,
Age : 32, Occu: Agriculture,
R/o : Varudi Tq. Badnapur,
District Jalna

...Petitioner

VERSUS

1. Union of India, Through Secretary
Ministry of Power, Shram Shakti Bhavan,
Rafi Marg New Delhi-11001
2. Power Grid Corporation of India Ltd.
Through its Manager,
1200/765/400/220 KV Substation,
Village and Post Chittepimpalgaon,
National Highway 211, Dist : Aurangabad-431007
3. The Sub Divisional Officer
Jalna, Dist: Jalna

...Respondents

- Mr. Pavan P. . Uttarwar, Advocate for the petitioner
- Mr. A. R. Borulkar, Advocate for Respondent No.1 UOI
- Mr. Sumit Joshi, Advocate for Respondent No.2.

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**CORAM : KISHORE C. SANT AND
ABASAHEB D. SHINDE, JJ.**

DATED : NOVEMBER 18, 2025

ORDER (Per Abasaheb D. Shinde J.):

1. Heard learned Counsel for the petitioner and the learned Counsel appearing for Respondent No.2-Power Grid Corporation.
2. By this Writ Petition under Article 226 of the Constitution of

India, the petitioner is seeking direction to Respondent No.2-Power Grid Corporation of India Ltd. (hereinafter referred to as “**Respondent No.2-Power Grid Corporation**”) to pay compensation to the petitioner for loss/damages sustained by the petitioner because of laying down/erecting transmission line in the fields of the petitioner bearing Gut No.195, situated at Village Varudi, Tq. Badnapur, District Jalna. The petitioner has also prayed that the petitioner be paid the compensation as per the valuation drawn by the Taluka Agricultural Officer dated 25.11.2016 towards fruit trees along with the interest.

3. The learned Counsel for the petitioner submits that the land of the petitioner has been affected due to erection of tower by Respondent No.2-Power Grid Corporation as a result of which the petitioner has sustained loss. The learned Counsel for the petitioner also submits that by virtue of the valuation carried out by the concerned Taluka Agricultural Officer dated 25.11.2016, the petitioner is entitled for the damages as has been quantified.

4. The learned Counsel for Respondent No.2-Power Grid Corporation submits that the Writ Petition is not maintainable for the reason that firstly the petitioner has suppressed material fact from this Court that the petitioner has already received the compensation of

Rs.18,206/-by virtue of which the petitioner has also given an undertaking on 30.11.2023 stating that the petitioner has received compensation towards sustaining loss due to erection of the tower in his land and he will not file any proceedings seeking enhanced amount of compensation. It has also been pointed out that beside the petitioner, the brother of the petitioner has also given similar undertaking of having received Rs.1,57,794/- towards the compensation for sustaining loss due to erection of the tower. The learned Counsel for Respondent No.2-Power Grid Corporation further contends that the Writ Petition is also liable to be dismissed for want of alternate efficacious remedy available to the petitioner, in the light of the fact that since the petitioner is claiming the compensation on the basis of so called valuation report, in that case the petitioner needs to file proceedings under Section 16(3) of the Indian Telegraph Act, 1885 (hereinafter referred to as '***the Telegraph Act, 1885***').

5. To substantiate his submission, the learned Counsel for Respondent No.2-Power Grid Corporation has also relied upon the judgment of the Hon'ble Apex Court in the case of ***Power grid Corporation of India Limited Vs. Centry Tetiles and Industries Limited & Ors.*** reported in ***2017 AIR(SC) 1141*** wherein the Hon'ble Apex Court has held that if the land owner raises any dispute with regard to the

quantum of compensation for the damages caused due to erection of power grid tower in the land of the land owner, the remedy to file proceedings lies under Section 16 of the Telegraph Act, 1885 by approaching the concerned District Judge.

6. In order to appreciate the provisions in that regard it would be apt to reproduce Sections 10 and 16 of the Indian Telegraph Act, which read thus :-

“10. Power for telegraph authority to place and maintain telegraph lines and posts.—The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immovable property:

Provided that—

(a) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the Central Government, or to be so established or maintained;

(b) 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 any telegraph line or post; and

(c) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and

(d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

16. Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority.— (1) If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (d) of that

section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.

(2) If, after the making of an order under sub-section (1), any person resists the exercise of those powers, or, having control over the property, does not give all facilities for their being exercised, he shall be deemed to have committed an offence under section 188 of the Indian Penal Code (45 of 1860).

(3) If any dispute arises concerning the sufficiency of the compensation to be paid under section 10, clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him.

(4) If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it, the telegraph authority may pay into the Court of the District Judge such amount as he deems sufficient or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (3), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.

(5) Every determination of a dispute by a District Judge under sub-section (3) or sub-section (4) shall be final:

Provided that nothing in this sub-section shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the telegraph authority, from the person who has received the same."

7. This Court in Writ Petition No.12426 of 2022 (***Kailas Shankar Suryawanshi & Ors.***) vide order dated 03.11.2025 in somewhat similar situation has taken a view that considering the provisions of Section 10 viz-a-viz Section 16 of the Telegraph Act, 1885 a person seeking amount of compensation towards damage sustained on account of erection of power grid tower in his land has a remedy to approach the

District Court under Section 16(3) of the Telegraph Act, 1885 and thus have relegated, the petitioners therein for availing the alternate remedy.

8. In the instant case, though the learned Counsel for the petitioner would urge that the provisions of Telegraph Act, 1885 and the Electricity Act, 2003 operates in different sphere, however, by virtue of provisions of Section 164 of the Electricity Act, 2003, Respondent No.2 has been conferred with the powers of Telegraph authority and to that effect even an order has also been passed by the Ministry of Power on 24.12.2003, authorizing Respondent No.2 to exercise all the powers vested in Telegraph Authority under part-III of the Telegraph Act, 1885.

9. The learned Counsel for the petitioner has also relied on the order passed by this Court in Writ Petition No.4750 of 2015 and other connected Writ Petitions dated 01.02.2016, wherein this Court has entertained the Writ Petition in determining the compensation. However, the said order has been passed prior to the law laid down by the Hon'ble Apex Court in the case of ***Power grid Corporation of India Limited Vs. Century Textiles and Industries Limited & Ors.*** (supra) and this issue was not raised before this Court when the said order was passed as to whether or not the petitioners therein have an alternate remedy under Section 16(3) of the Telegraph Act, 1885.

10. Therefore considering the above legal position and in the light of the judgment of Hon'ble Apex Court in the case of ***Power Grid Corporation (Supra)*** and the view taken by this Court in the case of ***Kailas Shankar Suryawanshi & Ors (supra)***, we are of the view that the petitioner has an alternate efficacious remedy under Section 16(3) of the Telegraph Act, 1885 by raising a dispute with regard to the quantum of compensation by approaching the concerned District Judge. We therefore relegate the petitioner to avail the alternate remedy by making an appropriate application. If the petitioner makes an application before the concerned learned District Judge, the said application be decided on its own merit in accordance with law within a reasonable time and preferably within a period of 6 months from the date of making such an application.

11. Needless to state that the concerned learned District Judge will take into consideration the time spent by the petitioner in prosecuting this Writ Petition while considering the aspect of delay if any.

12. With these observations, the Writ Petition stands disposed of.

[ABASAHEB D. SHINDE, J.]

[KISHORE C. SANT, J.]