

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2624 OF 2025

Shivaji Mahadev Lakade And Anr ...Petitioners
Versus
State Of Maharashtra Through Secretary And Ors ...Respondents

WITH
WRIT PETITION NO. 2655 OF 2025

Shanta Ramchandra Lakade ...Petitioner
Versus
State Of Maharashtra Thro. Principal Secretary
Ministry Of Power ...Respondents

Mr. Sushant Prabhune, for the Petitioner.
Mr. Y.D. Patil, AGP for the State.
Ms. Kavisha Shah a/w Mr. Riz Khan, for the Respondent No. 3.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 17 MARCH 2025

P.C.:

1. These petitions are filed under Article 226 of the Constitution of India which raising similar issues. As agreed by the parties before us, we proceed to dispose these proceedings by this common order.
2. The petitioners are the owners and in possession of the land at Gat No.156-B/2 admeasuring 16H 27R situated at Mirdhe, Taluka Phaltan, District Satara (“**Subject Land**” for short). The petitioners are aggrieved by the action of the respondents in laying down transmission lines to be

utilized for the transmission system in the States of Maharashtra and Karnataka under a scheme for export of surplus power in Southern Region. The grievance of the petitioners stems from the actions of the respondents in undertaking such works on the subject land in contravention of the Government Resolution dated 1 December 2022 (“**GR**” for short) issued by the Government of Maharashtra, Ministry of Power. It is on such backdrop that the present petition is filed.

3. At the very outset, we may refer to an earlier order passed by this Court in Writ Petition No.2624 of 2025 dated 24 February 2025, which reads thus:-

- “1. Prima facie we are of the opinion that as high tension lines are being installed on the land belonging to the petitioner, necessary procedure to be followed in that regard, was required to be informed to the petitioner. Also a joint panchanama/survey of the area of the land to be demarcated which would be actually affected by installation of tower base as also the area covering high tension lines which would pass through the petitioner’s land which would adversely affect the petitioner’s land, was required to be transparently informed to the petitioner. This would be relevant also for the amount of compensation to be fixed and paid to the petitioner.
2. In the present case, it is contended that the panchanama was not undertaken in the presence of the petitioner and the actual area to be affected in the aforesaid manner, is not informed and communicated to the petitioner. If what has been contended by the petitioner is correct, in that case, prima facie, we are of the opinion that a fair procedure is required to be followed before the actual work is undertaken. The petitioner has placed on record the photographs which clearly demonstrates that substantial activities have already been undertaken.
3. In the aforesaid circumstances, it would be appropriate that the respondents follow the proper procedure and take an appropriate decision after informing the petitioner of all these requirements and the amount of compensation which would be required to be paid under the Government policies, copies of which are placed on record.

4. However, in the event, the respondents are not intending to follow the said procedure and intend to contest the present proceedings, let a reply affidavit to the petition be filed, so that the rival contentions and more particularly in the light of the rights guaranteed to the petitioner under Article 300A of the Constitution would be required to be adjudicated.
5. List the proceedings on 20 January 2025. High On Board. Reply affidavit, if any, be filed on or before 14 January 2025, as also a copy of the same be served on the petitioner.
6. In the event, the disputes are intended to be resolved, liberty to the parties to take appropriate steps and apply.
7. At this stage, we may also observe that the case raised on behalf of the respondents, on instructions, is that the petitioner is not co-operating and the proceedings are intended to be contested.”

4. We have heard the learned counsel for the parties on these proceedings and with the assistance of the learned counsel, perused the record.

5. We may observe that pursuant to our order dated 24 February 2025 (Supra), the respondent no.3 has undertaken a fresh joint panchanama dated 6 March 2025. This is placed on record in the affidavit-in-reply dated 10 March 2005 filed by Mr. Sanjeev Kumar Singh on behalf of respondent no.3. As stated in the said reply affidavit, on the basis of measurements recorded in the earlier panchanama dated 16 July 2024 the respondent no.3 transferred the compensation amount to the petitioner on 23 August 2024 under the order of the Sub-Divisional Magistrate dated 24 May 2024. The respondent no.3 has also undertaken to disburse any additional compensation as and when decided by the Sub-Divisional Officer.

6. Considering such backdrop, we are of the view that the respondent no.3 be permitted to carry out the transmission work meant for a public cause as noted above on the subject land. However, such work to be undertaken shall be subject to the payment of additional compensation to be determined by the Sub Divisional Magistrate in accordance with the GR dated 1 December 2022 and as the law would mandate. According to the petitioner, an amount of about Rs.1,80,000/- which was paid to the petitioner by the respondent no.3, would be adjusted against the amount of compensation payable under the new panchanama dated 6 March 2025 as determined by the Sub Divisional Magistrate. The learned counsel for the parties are in agreement to this arrangement.

7. In light of the above, in our view, the following order would serve the ends of justice:-

ORDER

- (i) The respondent no.3 shall continue with its work of laying down the transmission lines as noted by us above on the subject land. In the meanwhile, the Sub Divisional Officer shall determine the amount of compensation to be paid and disbursed to the petitioners pursuant to the new panchanama dated 6 March 2025. The amount of compensation already paid to the petitioners under the earlier panchanama dated 16 July 2024 shall be adjusted

towards the amount of compensation to be paid and disbursed under the orders of the Sub Divisional Officer in favour of the petitioners.

- (ii) All rights and contentions of the parties are expressly kept open.
- (iii) We make it clear that we have not opined on the merits of rival contentions of the parties, on the quantum of the compensation in passing this order.
- (iv) The petitions are disposed of in the above terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]