

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15310 OF 2024

Vijay Vasudeo Kadam	...Petitioner
Versus	
Union of India and Ors.	...Respondents

Mr. Sushant Prabhune, for the Petitioner.
Mr. M.M. Pabale, AGP for Respondent No.2 – State.
Ms. Kavisha Shah a/w Riz. Khan i/b. Kavisha Shah, for the Respondent No.3.

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

DATE : 24 FEBRUARY 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed
praying for the following reliefs:-

- a) That this Hon'ble Court may kindly issue an appropriate Writ, Order and direction to the Respondents to initiate the procedure of for drawing of high tension wires in the subject land of the petitioner and erecting of towers by considering the loss caused and diminution of value of the subject land for the project of "ISTTS network 765 KVDC Narendra new (GIS) to Pune (GIS)";
- b) The Respondent No.1 and 3 may be kindly restrained from continuing the work of drawing of high tension wires in the subject land of the petitioner and erecting of towers over the subject land of the petitioner for the project of "ISTTS network 765 KVDC Narendra new (GIS) to Pune (GIS)" till the payment of compensation and damages in accordance with law to the Petitioner by considering the loss caused and diminution of value of the subject land."

2. As seen from the reliefs, it is the case where the respondent no.3 is
laying down power transmission lines on the land belonging to the
petitioner and work incidental thereto is being carried out.

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3. Considering the grievances as made by the petitioner on 3 January 2025, we had passed detailed order directing a fresh panchanama to be undertaken this more particularly, considering the case of the petitioner, based on the Government Resolution dated 1 December 2022. The said order 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. Accordingly, a joint panchanama was undertaken on 24 January 2025 as observed by us in our order dated 20 January 2025 which is placed on record. The grievance of the petitioner now is that the respondent no.3 would be required to proceed to make payment of the compensation as per Government Resolution dated 1 December 2022 and wherein the following procedure is set out in paragraph (e) and more specifically in para 3, 4, 5 and 6 which read thus:-

[Translation of a photocopy of Point Nos. 3 to 6 typewritten in Marathi.]

- “(3) The measurement of the land covered under the high voltage transmission tower and the land under the high voltage transmission lines shall be taken by the concerned Transmission licensee company and the panchanama to that effect shall be drawn as per abovementioned Point Nos. “B (3)” and “C (5)” and the Member Secretary of the said committee shall submit a proposal in respect of determination of consideration towards the compensation of the land, to the concerned Sub-Divisional Officer (Prant Officer) and the Chairman of the Committee.
- (4) In connection with the proposal received, the Sub-Divisional Officer (Prant Officer) and the Chairman of the Committee shall convene a meeting with other members of the said committee, within 30 days and the committee shall take a decision on the said proposal without delay.
- (5) After the Valuation Committee at Sub-Divisional Level determines the valuation and if all the aspects regarding the valuation are appropriate, then order shall be passed within 7 days, to pay the determined consideration therefor by the concerned Transmission Licensee company, to the owner/holder of the agricultural land.

- (6) As per the order passed by the Chairman of the Valuation Committee at Sub-Divisional Level, the concerned Transmission licensee company shall pay the consideration to be paid on account of compensation to the concerned owner/holder of the agricultural land, within 30 days, from their revenue.”

5. The learned counsel for the respondent no.3 has fairly stated that her clients are not averse to following the said procedure and whatever compensation is due and payable to the petitioner for the works undertaken and for the ongoing works will be paid by following the procedure under the Government Resolution dated 1 December 2022.

6. In this view of the matter, further adjudication of this petition is not called for. It is accordingly disposed of by directing respondent no.3 to undertake further procedure as noted above and make payment of the compensation to the petitioners.

7. All contentions of the parties on the quantum of the compensation are expressly kept open.

8. Petition stand disposed of on the aforesaid terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]