

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

Vijay Vasudeo Kadam

..Petitioner

VS

Union of India thr. Principal Secretary,
Ministry of Power & Ors.

..Respondents

Mr.Sushant Prabhune, for the Petitioner.

Mr. M. M. Pabale, AGP for the State.

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

DATE : 3 JANUARY 2025

P.C.:

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.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]