

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 268 OF 2025

Santaji Hanmant Shinde

...Petitioner

Versus

WRSR Power Transmission Ltd.

Thr. Mr. Sanjivkumar Singh And Ors.

...Respondents

Mr. Harsh P. Dedhia, for the Petitioner.

Mr. A.I. Patel, Addl. G.P. a/w Ms. P.N. Diwan, AGP, for the Respondent – State.

Mr. Vikram Nankani a/w Dr. Kshitija Wadkar, Vikrant Khare, Kiran Yadav,
Pinki Chavan i/b. M/s. Kshitija Wadkar & Associates, No.1.

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

DATE : 3 MARCH 2025

P.C.:

1. We find from the record as also from the affidavits which are filed in the present proceedings that there is a lack of basic compliance for want of a notice being issued to the petitioner so as to inform the petitioner as how much of the petitioner's land and which portion of the same would be affected by the works which should be undertaken by respondent no.1 of laying down the High Tension electricity lines. When we posed a query as to whether any such notice was issued, our attention was drawn to the paragraph 6 of the reply affidavit as filed by the State Government to indicate that there was a meeting which was held with the concerned Farmers/Agriculturist in which the issues were discussed, that the land would be affected by High Tension Lines and accordingly, a panchanama would be also carried out. We do not find that holding of such meeting would fulfill the basic requirement of a notice which

any principle of law would mandate to be an elementary requirement.

2. We are of the clear opinion that unless the persons whose lands are affected are issued a proper notice with appropriate description of the manner in which the works in question would be undertaken and the actual area of their land being affected, only on a specific notice to that effect could things proceed. This also as much would depend on such notice and the subsequent panchanama which would be undertaken by the authorities and the proposed works.

3. In the present case, however, without such notice a panchanama is carried out and surprisingly there are two panchanamas. The first panchanama is dated 1 March 2024 which is a joint panchanama in respect of Survey No.121, 122 and 123. The petitioner is concerned with land which is Survey No.127. As the petitioner has made a grievance that there is a specific panchanama in respect of the petitioner's land which is dated 30 September 2024 annexed at page 201 of the reply affidavit filed by the State Government. According to the petitioner, such panchanama is held in the presence of Agricultural Officer, which was not the case in respect of the prior panchanama dated 1 March 2024.

4. We have perused this panchanama which prima facie indicates that there are about 800 trees and some bigger trees also. Mr. Nankani, learned Senior Counsel for the Appellant has contended that there is a subsequent plantation which is included in such panchanama. Be that as it may, as the State Government has relied on panchanama, it is for the State Government to consider such appropriate position. However, what we need to hear from

respondent no.1 is the actual area which respondent no.1 would desire to utilize from the petitioner's holding in Survey No.721.

5. We, accordingly, direct that within a period of one week from today an appropriate notice be issued to the petitioner so that the petitioner is informed of the actual area which is being affected and the manner in which it is affected. The notice should also indicate the extent of the High Tension Lines which would actually go through petitioner's land and the area which would be affected.

6. Let this be undertaken on or before the adjourned date of hearing as also the same be placed on record. Till the adjourned date of hearing, the respondent no.1 is directed not to undertake any work insofar as the petitioner's land is concerned.

7. The officers of the State Government are also directed to take appropriate steps as the law would mandate including steps to be taken as per Government Resolution dated 1 December 2022 and place a further affidavit on record. List on **17 March 2025**.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]