



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.7776/2023

- PETITIONERS :**
1. Narendra Chindhuji Chakole
Aged about 64 years, Occupation : Retired.
 2. Purnima Narendra Chakole
Aged about 60 years, Occupation : Housewife.

Both 1 and 2 are Resident of Tilak
Ward, Mahal Road near Madhukar Photo
Studio, Bhandara - 441904.

3. Pandurang Narayan Bawankar
Aged about 73 years, Occupation :
Business, R/o Takiya Ward, Sai Mandir
Road, Bhandara – 441904.
4. Prabhakar Motiram Bhoyar
Aged about 64 years, Occupation – retired.
5. Vandana Prabhakar Bhoyar
Aged about 55 years, Occupation -
Housewife.

Both 4 and 5 are R/o Sneha Nagar,
Takiya Ward, Bhandar – 441904.

...VERSUS...

- RESPONDENTS :**
1. State of Maharashtra,
Through Collector, Bhandara, Tq. & Dist.
Bhandara.
 2. Maharashtra State Electricity
Transmission Company Limited,
EHV O & M Division, M.S.E.T.C.L.
Vidyut Bhavan, 1st floor, Nagpur Road
Bhandara, Tq. & Dist. Bhandara – 441904,
Through its Executive Engineer.

3. Shreem Infratech
Through Sameer Kamlakar
Plot No.15, Puranik Layout, Bharat Nagar,
Opposite Hindustan Colony,
Nagpur – 440033.

Mr. G.L. Agrawal, Advocate for petitioners
Mr. S.V. Narale, AGP for respondent No.1
Mr. G.A. Kunte, Advocate for respondent No.2
Mr. D.M. Kale, Advocate for respondent No.3
Mr. A.A. Kathane, Advocate for intervenor

CORAM : SACHIN S. DESHMUKH, J.

DATE : 11/07/2025

ORAL JUDGMENT :

1. Heard. Rule. Rule made returnable forthwith. By consent of the parties, the petition is heard finally at the stage of admission.

2. The petitioners are the owners of land bearing Survey No.49 to the extent of 0.2 HR through which the respondent Nos.1 and 2 are laying transmission line. The said land is identified for installation of tower. During the process, an application was presented by the respondent No.2 seeking appropriate orders. Accordingly, the District Collector has accorded permission to its order. The challenge is raised to the order dated 08/05/2023 rendered by the District Collector in the proceedings under Section 16 (1) of the Indian Telegraph Act, 1985. By virtue of the said order, permission was granted to complete the work of 132 KV, Bhandara-Kardha bye-pass road line electricity tower [CKT-II] tower location No.7 at village Mouza Salebardi Tq. And

District Bhandara. So also, an order of forbearance was also passed stating that in no manner the petitioners obstruct the work of installation of the said transmission line and the tower. The order also contains direction to the respondents to ensure that the minimum loss would be caused to the land of the petitioners and to work out the consequential benefits in that regard.

3. It is the contention of the petitioners that, although the petitioners own a major portion of the land, the petitioners were not served with the notice in that regard. The further objection of the petitioners to the said order is that in case the alignment is changed, it would cause no loss to the petitioners but if the transmission line is permitted to be taken across the agricultural land of the petitioners, serious prejudice would be caused to the petitioners due to laying of such transmission line. It is the further contention of the petitioners that by realigning the location of the transmission tower, the use of the land of the petitioners can be conveniently avoided.

4. As against the same, the learned Counsel for the respondents submitted that the petitioners do not have any right to claim change in alignment of the location of the transmission tower. The said decision is rendered after considering the opinion of experts in the field, taking into account the pros and cons of the technical aspect. In any event, the alignment as claimed by the petitioner cannot be

changed. The further contention advanced on behalf of the respondents is that at the most, the petitioners can claim compensation, pursuant to the order passed by the District Collector, which protects the interest of the petitioners.

5. Considering the contentions put forth by the litigating sides and perusal of the record, it is apparent that the petitioners do not have any right staking a claim asking to issue directions to change the location of the transmission tower. Precisely, the issue has been decided by this Court in case of *Shri Vivek Brajendra Singh Vs. State Government of Maharashtra and others 2012 (3) ALL MR 130* wherein, it has been held that the Indian Telegraph Act, 1885 does not confer any right to the landowner the consent of the owner is required to be obtained while laying down the transmission line. Coupled with the same, a decision has been rendered by this Court in *Writ Petition No.5459/2021 (Manish Sureshkumar Jaiswal and Another Vs. Sub-Divisional Officer, Ralegaon, District Yavatmal and others)*, wherein the same principle is reiterated and the Court has restated that, Section 10 of the Indian Telegraph Act does not confer right of hearing to the landowner and resistance or obstruction by the landowner is to be dealt with under Section 10 (d) Indian Telegraph Act, while hearing the proceedings under Section 16 (1) of the Indian Telegraph Act. Following this position of law, the Division Bench of this Court in Writ Petition

No.3994/2023 has turned down the objection at the instance of the landowner. Resultantly, no case is made out by the petitioners to seek any interference in the order rendered by the District Collector under Section 16 (1) of the Indian Telegraph Act. Needless to state that by virtue of the right to receive compensation as has been recognized pursuant to the Indian Telegraph Act, 1985, it is open for the petitioners to file appropriate proceedings.

6. For the reasons aforestated, this Court finds that in absence of any legal right with the petitioners to shift the location of the transmission tower, no case is made out to interfere in writ jurisdiction.

7. During the course of hearing, it is informed by the learned Counsel for the respondent – National Highways Authority of India that determination of compensation has been done in relation to entitlement of the petitioners. The concerned Authority to take appropriate steps to ensure that the said compensation amount determined is paid to the petitioners within a period of four weeks from today. Needless to state that this will not preclude the petitioners from asserting their right under Section 16 (3) of the Indian Telegraph Act, 1885 to claim appropriate compensation, if the petitioners are aggrieved by the said determination, as is available under Section 16 (3) of the Indian Telegraph Act, 1885.

8. The writ petition is dismissed. Rule stands discharged.

No order as to costs.

(SACHIN S. DESHMUKH, J.)

Wadkar