

(2020) 08 RAJ CK 0005

In the Rajasthan High Court

Case No : Civil Writ Petition No. 8275, 8278 Of 2020

Ramji Lal

APPELLANT

Vs

Union of India And Ors

RESPONDENT

Date of Decision : 05-08-2020

Acts Referred:

Forth Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 — Section 10, 105
Indian Telegraph Act, 1885 — Section 10(d), 16, 16(3), 16(4)

Citation : (2020) 08 RAJ CK 0005

Hon'ble Judges : Mahendar Kumar Goyal, J

Bench : Single Bench

Advocate : Kaleem Ahamed Khan, Gitesh Joshi, Jai Raj Tantia

Final Decision : Disposed Of

Judgement

The SB Civil Writ Petition Nos.8268/2020, 8277/2020, 8279/2020, 8285/2020 & 8286/2020 are listed today under the heading ""to be mentioned"". These

writ petitions are also being heard along with the writ petitions listed today under the category of ""fresh admission"".

All these writ petitions have been filed by the respective khatedars or owners or persons claiming legal possession over the land in question.

It is contended by learned counsel for the petitioners that without acquiring the land in question or without paying any compensation, the respondents

are bent upon to enter their land, erect towers and lay overhead electric transmission lines.

Mr. Jai Raj Tantia, learned counsel appearing for the caveators/respondents No.5 to 7, relying upon Section 10 and Section 105 read with Forth

Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 (hereinafter referred to

as the "the Act of 2013"), submitted that while erecting towers and laying overhead electric transmission lines under the Electricity Act, 2003, they are not required to carry out any acquisition proceedings. He submits that they are, of course, under an obligation to pay compensation to the land holders in case their land is being used for erection of towers and laying overhead electric transmission lines and any damage is caused thereby, under the provisions of the Indian Telegraph Act, 1885 (hereinafter referred to as the "the Act of 1885"). He further submits that if the land owners feel dissatisfied with decision of the respondents as to their entitlement to receive the compensation and/or as to insufficiency of the compensation, they may approach the concerned District Judge under Section 16 of the Act of 1885. He, on instructions, submits that the respondents are ready and willing to pay compensation to the petitioners in case their right to get the same is established qua the land in question before they embark upon to erect towers and lay overhead electric transmission lines in their land.

Learned counsel for the petitioners has no objection for erection of towers and laying overhead electric transmission lines through their land if the respondents pay compensation to them before undertaking this exercise.

The learned counsel for the petitioners also undertakes to withdraw the Civil Suit for permanent injunction pending in the Court of learned Civil Judge,

Chidawa, Jhunjhunu filed by the petitioners in SB Civil Writ Petition No.8279/2020 on or before next date fixed in the suit i.e. on 20.08.2020.

In view of the submissions made by the respective counsels, the legal position obtaining, these writ petitions are disposed of with the following

directions:-

1. The respondents No.5 to 7 shall assess and pay compensation to the petitioners as per provisions of Section 10(d) of the Act of 1885, after verifying their right in respect of the land in question with the help of revenue authorities before they embark upon erecting towers and lay overhead electric transmission lines in their land.

2. If the petitioners feel dissatisfied with the decision of the respondents as to their entitlement/insufficiency of compensation, they are at liberty to approach the concerned District Judge under Section 16(3) & (4) of the Act of 1885 for redressal of their grievance.

3. After determination of their rights to get the compensation and payment of

compensation by the respondents, petitioners shall not obstruct them from carrying out the work of erection of towers and laying overhead electric transmission lines.

Office to place copy of this order in each connected file.