

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6653 OF 2026

Illuminati Buildings Solutions Pvt. Ltd. through
its Director Paras Rajesh Desai ... Petitioner

Vs.

State of Maharashtra through Principal Secretary
and others ... Respondents

Mr. Sugandh Deshmukh a/w. Mr. Aniket Kanawade and Mr .Vaibhav Thorve i/b.
Mr. Vivek Thakare and Mr. Suraj Chakor for Petitioner.

Mr. S. P. Kamble, AGP for Respondents Nos.1 to 3-State.

Mr. Siddhartha Joshi a/w. Mr. Devesh Juvekar, Ms. Kavita Brid-chavan,
Ms.Honey Chandnani and Ms. Shivangi Goel i/b. Rajani Associates for
Respondent No.4.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.
DATE : OCTOBER 06, 2026**

P.C. :

. Heard Mr. Deshmukh, learned counsel appearing for the
petitioner, Mr. Kamble, learned AGP for the respondent-State and
Mr.Joshi, learned counsel appearing for the contesting respondent No.4.

2. By this writ petition, the petitioner has prayed for a direction to
the respondents not to acquire or take possession of subject property
located at Gat No.20, Village - Munguste, Taluka - Wada, District -
Palghar in the process of erection of towers for installing electricity
transmission lines. Alternatively, the petitioner has prayed for a direction
to the respondents to pay compensation to the petitioner under the
provisions of the Right to Fair Compensation and Transparency in Land
Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013)

3. Although the aforesaid prayers have been made in the present writ

petition, at the time of oral arguments, the learned counsel for the petitioners submitted that the prayer for compensation under the Act of 2013 is not being pressed and the focus of the challenge in the present petition is on the alignment of the transmission line as it passes overhead the subject property of the petitioner. It is submitted that the petitioner intends to establish an industrial estate on the subject property and passing of the electricity transmission lines overhead would result in obstruction in the said proposed activity of establishment of industrial estate by the petitioner. By referring to the provisions of the Indian Telegraph Act, 1885 (Telegraph Act), particularly Section 10(d) thereof, it is submitted that respondent No.4 is statutorily mandated to carry out the aforesaid exercise of erecting the towers and installing the electricity transmission lines in such a manner that it does as little damage as possible to properties, which would be affected by such activity. It is submitted that although the fact that the project of laying down the electricity transmission lines can certainly be said to be in public interest, the damage that may be caused to private entities like the petitioner cannot be ignored.

4. It is submitted that the public notice issued in the present case only referred to villages through which the electricity transmission lines would be installed and practically, there was no opportunity for the petitioner to point out to the respondent No.4 that a minor adjustment in the alignment of the towers would avoid the damage that would be caused to the property of the petitioner. In this regard, reliance is placed on report dated 19.06.2026 given by an expert. It is contended that the said report also confirms the assertion made on behalf of the petitioner that relocation of only one tower by about 80 to 120 meters would avoid the transmission line going overhead the subject property of the petitioner. It is therefore, submitted that this Court may consider issuing such a limited direction to the respondents, particularly respondent No.4,

in the interest of justice. It is also indicated that in such matters, the compensation would always be illusory, for the reason that the damage that would be suffered by the petitioner would be far more as the whole purpose of acquiring subject property for establishing the industrial estate is likely to be frustrated.

5. The learned counsel appearing for contesting respondent No.4 referred to the relevant statutory provisions i.e. Sections 10 and 16 of the Telegraph Act as also the provisions of the Electricity Act, 2003. In that context, the learned counsel for respondent No.4 relied upon judgement of the Supreme Court in the case of *Power Grid Corporation of India Limited Vs. Century Textiles & Industries Limited*, (2017) 5 SCC 143; judgement of Gujarat High Court in the case of *Gujarat State Energy Transmission Corporation Limited Vs. Ratilal Maganji Brahmbhatt (Barot)* (judgement and order dated 06.11.2020 passed in R/Letters Patent Appeal No.534 of 2020) and judgment of this Court in the case of *Yeshwant Hari Gawas and others Vs. Union of India and others* (judgement and order dated 27.09.2024 passed in Writ Petition No.1407 of 2024).

6. By placing reliance on the said judgements, it is submitted that the only limited relief that affected parties like the petitioner herein can claim, is compensation as per the provisions of the Telegraph Act and two Government Resolutions issued by the Government of Maharashtra i.e. Government Resolutions dated 02.11.2022 and 01.12.2022.

7. It is submitted that the process of marking of transmission route of the electricity transmission lines and in that context, the erection of towers and installation of electricity transmission lines is a complicated technical activity, which requires highly specialized and technical decisions to be taken by experts. In such a situation, it is submitted that if the contentions raised on behalf of the petitioner are accepted, it would

lead to a situation where all or any of the parties affected by the installation of the electricity transmission lines would approach the Writ Court for similar reliefs, which would eventually have a detrimental effect on the aforesaid project of installing electricity transmission lines in public interest. It is brought to the notice of this Court that the aforesaid project proposes to bring 7 GigaWatt of electricity to the State of Maharashtra from the State of Gujarat and it being a project of public interest, this Court may not consider the relief sought by the petitioner.

8. Having heard the learned counsel for the rival parties, we find that although the writ petition claims reliefs that are wide-ranging, including a direction to the respondent authorities to determine and pay compensation under the Act of 2013, at the stage of oral arguments, the limited relief being pressed on behalf of the petitioner is a direction to the respondent No.4 to realign one of the towers so that the electricity transmission lines do not pass overhead the subject property of the petitioner.

9. During the course of arguments, it is conceded that the provisions of the Telegraph Act and the Electricity Act cannot be said to be unconstitutional and that the aforesaid judgements, upon which the respondent No.4 has relied, indeed lay down the position of law indicating that the respondent No.4 is well within its powers to establish electricity transmission lines in terms of the provisions of the said Legislations.

10. But much emphasis has been placed on Section 10(d) of the Telegraph Act. Section 10(d) of the Telegraph Act reads as follows:-

“10. Power for telegraph authority to place and maintain telegraph lines and posts.-The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon, any immovable property:

Provided that-

(a) to (c)

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(d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.”

11. We find that the respondent No.4 is indeed enjoined to undertake the activity of establishing electricity transmission lines in such a manner it does as little damage as possible to the parties whose properties would be affected by such electricity transmission lines.

12. We have perused the material placed on record. We find that the respondent No.4 is duly authorized to undertake the aforesaid project. The material on record also shows that public notices were issued as far back as in the year 2024 with regard to the proposed establishment of the electricity transmission lines. The contents of the reply affidavit from paragraphs 17 to 25 indicate the extremely specialized and technical decisions that are required to be taken when deciding upon the route and alignment of such electricity transmission lines. We find substance in the contention of respondent No.4 that when such decisions are taken, the emphasis is on technical feasibility of establishment of such routes for electricity transmission lines in terms of the requirements of the relevant statutes. In such a situation, objections or specific requests of individuals obviously cannot be entertained. It can also not be disputed that the aforesaid project is in larger public interest, as about 7 GigaWatt electricity would be brought into the State of Maharashtra through the aforesaid electricity transmission lines. In such a situation, the properties of private entities are bound to be affected and unless it is shown that either the route of the electricity transmission lines is technically not feasible or that *mala fide* can be attributed to the respondents in taking

decisions pertaining to the finalization of such route, the Writ Court would not be able to entertain challenges to such activities undertaken in public interest by the respondents.

12. The Writ Court is not equipped to consider the report of the expert upon which reliance is placed on behalf of the petitioner to claim that shifting of one of the towers would result in a solution as the electricity transmission line would no longer pass overhead the property of the petitioner. We are of the opinion that such highly technical decisions in such matters are best when left to the experts, who have already taken a decision and that not only the route has been finalized but as on today, as a matter of fact, the towers have been erected and the electricity transmission line has been installed overhead the property of the petitioner. In such a situation, we find no substance in the contentions raised on behalf of the petitioner and we decline to grant any relief in the present petition. However, the petitioner is entitled to just, fair and reasonable compensation as per the statutory provisions and the scheme contemplated in the aforementioned Government Resolutions issued by the Government of Maharashtra.

13. The respondents are directed to ensure that such compensation is determined and disbursed to the petitioner in accordance with law.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)