

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6632 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Approved for Reporting	Yes	No
		✓

BHUPENDRASINH ABHESINH DABHI

Versus

THE GUJARAT ENERGY TRANSMISSION CORPORATION
LIMITED(GETCO) & ANR.

Appearance:

MS POONAM M MAHETA(11265) for the Petitioner(s) No. 1
MR ANGESH A PANCHAL, ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 1,2**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK****Date : 06/05/2026****JUDGMENT**

1. RULE returnable forthwith. Learned Assistant Government Pleader Mr. Angesh Panchal, waives service of notice of Rule for and on behalf of the respondents.

2. With the consent of the learned counsels for the parties, the matter is taken up for final hearing and disposal.

3. By way of present petition under Articles 226, 227 & 300A of the Constitution of India read with the provisions of the Electricity Act, 2003 (hereinafter be referred to as "*the Act*") and Rules thereunder,

petitioner has prayed for the following reliefs :

“(A) The Hon'ble Court be pleased to issue a writ of mandamus and/or any other appropriate writ, order or direction quashing and setting aside the impugned action, proposed activity, notices, communications and consequential proceedings initiated by the Respondents for erection of transmission tower and/or drawing of high-tension transmission line through the Petitioner's land bearing Revenue Survey No. 775 situated at Mouje Veraval, Taluka Veraval Patan, District Gir Somnath:

(B) The Hon'ble Court be pleased to issue a writ of mandamus and/or any other appropriate writ, order or direction directing the Respondents not to enter upon, interfere with, excavate, dig, mark, measure, erect tower, string wires or carry out any nature of work upon the Petitioner's land bearing Revenue Survey No. 775 without following due process of law and without prior adjudication by the competent authority;

(C) The Hon'ble Court be pleased to direct Respondent No. 1 to forthwith place on record and furnish to the Petitioner copies of the sanctioned route alignment plan, tower spotting plan, technical drawings, survey records, approvals, permissions, notifications and all documents relied upon for routing the proposed line through the Petitioner's land;

(D) The Hon'ble Court be pleased to direct the Respondents to consider and evaluate the adjoining Government vested land / SarkariPadtar land available in the vicinity as an alternate and less prejudicial route for carrying the proposed transmission line, instead of burdening the Petitioner's private agricultural land;

(E) The Hon'ble Court be pleased to direct that in the event the Respondents still propose to utilize any portion of the Petitioner's land, the same shall not be done unless objections of the Petitioner are first decided by the competent District Magistrate / authority in accordance with law after granting full opportunity of hearing;

(F) The Hon'ble Court be pleased to direct that no work whatsoever shall be undertaken upon the Petitioner's land unless fair, lawful and prior compensation is determined and secured in favour of the Petitioner, including compensation towards land value, diminution in value, crop loss, irrigation damage, access impairment and recurring restrictions arising out of Right of Way corridor;

(G) Pending admission, hearing and final disposal of the present petition, The Hon'ble Court be pleased to grant ad-interim and interim relief restraining the Respondents, their officers, servants, contractors and agents from entering upon the Petitioner's land, carrying out excavation, cutting trees, damaging crops, laying foundations, erecting poles/towers, stringing wires or creating any third-party rights in respect of Revenue Survey No. 775;

(H) Pending admission and final disposal of the present petition, The Hon'ble Court be pleased to direct respondents to maintain status quo qua nature, character, possession and use of the Petitioner's land bearing Revenue Survey No. 775;

(I) The Hon'ble Court be pleased to award costs of this petition and grant such other and further reliefs as may be deemed just, fit and proper in the interest of justice."

4. It is the case of the petitioner that, the petitioner has acquired valid right, title and possession over the subject land through a duly registered sale deed dated 20.10.2011, and the revenue records also reflect the petitioner's ownership and possession. That, the said agricultural land is fertile land and constitutes an important source of livelihood and economic security for the petitioner and his family. It is the case of the petitioner that, in the month of April 2026, officers, servants and contractors acting on behalf of respondent No.1 suddenly attempted to enter upon the petitioner's land with machinery and equipment for the purpose of inspection, marking, digging, erection of transmission tower and laying of overhead high-tension line. That, the said attempt was made without prior lawful notice, without personal service of any communication, and without granting any meaningful opportunity of hearing to the petitioner. That, no joint survey was conducted in his presence, no route alignment plan or approved corridor map was supplied, no tower spotting details or coordinates were furnished, no panchnama or site proceedings were prepared, and no compensation assessment or damage valuation was communicated. That, the adjoining Government vested land (Sarkari Padtar) was available in the immediate vicinity, which provides a feasible and less prejudicial alternate corridor for carrying the proposed transmission line, however, instead of utilizing available Government land, the respondents have allegedly altered and diverted the alignment so as

to route the line through the petitioner's privately owned cultivated land, thereby causing avoidable hardship and serious prejudice. That therefore, the petitioner immediately raised objections by representation dated 21.04.2026 and also approached the competent District Magistrate authority under Section 16 of the Indian Telegraph Act, 1885, however, no effective adjudication or protective action has been taken till date.

5. Being aggrieved and dissatisfied with the action and inaction on the part of the respondent authorities, present petition is preferred.

6. Heard learned counsel appearing for the respective parties.

7. Learned counsel for the petitioner has submitted that the representation made by the petitioner before the respondent authority is pending since long and till date the same has not been decided by the concerned respondent authority and therefore, learned counsel for the petitioner has urged that the present petition be allowed and the respondent authorities be directed to decide the representation made by the petitioner within a stipulated time period.

8. Learned counsel Mr. S.P. Hasurkar, who appears on advance copy being served, upon instructions received from the concerned department, has submitted that the authority shall approach the concerned District Collector and after obtaining necessary permission only, they will lay down the line.

9. In view of above submission canvassed by the learned counsel Mr. Hasurkar, now there is no merits in the present petition and the

present petition is disposed of. Rule is discharged.

10. It is, however, observed that at the time of deciding the application to be made by the respondent, the concerned District Collector may call for the petitioner and after hearing the petitioner, the decision shall be taken by the concerned Collector in accordance with law.

11. In case of any difficulty, it is open for the petitioner to approach this Court by way of filing a fresh application.

(HEMANT M. PRACHCHAK,J)

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