

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9644 of 2024****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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Approved for Reporting	Yes	No
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SHAILESHBHAI DAHYABHAI PATEL & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR UDAY M JOSHI(380) for the Petitioner(s) No. 1,2

MR SP HASURKAR(345) for the Respondent(s) No. 2

MR NIKUNJ KANARA AGP for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK****Date : 04/05/2026****JUDGMENT**

1. RULE returnable forthwith. Mr. Nikunj Kanara, learned AGP waives service of notice of rule on behalf of the respondent no.1 and Mr. SP Hasurkar, learned counsel waives service of notice of rule on behalf of the respondent no.2.

2. With the consent of the learned counsel for the respective parties, the present petition is taken up for final hearing today.

3. Present petition is filed by the petitioner under Articles 14, 19(1)(g), 300A and 226 of the Constitution of India read with the

provisions Electricity Act, 2003 seeking following reliefs:

“9.1. YOUR LORDSHIPS may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ order or direction directing GETCO /Respondent No.2, his servants and agents not to undertake work of foundation / erection / wiring for electricity lines pertaining to 400 KV Kalipura (Prantij) Lilo Line in survey Nos.186 and 187 of village Gora, Taluka: Talod, Dist. Sabarkantha as demonstrated in the Map and to shift the same to a suitable place at the boundary line of the said survey numbers.

9.2. Pending hearing and final disposal of this petition, YOUR LORDSHIPS may be pleased to restrain Respondent No.2 his servants and agents from undertaking work of foundation/erection / wiring for electricity lines pertaining to 400 KV Kalipura (Prantij) Lilo Line in survey Nos. 186 and 187 of village Gora, Taluka: Talod, Dist. Sabarkantha.

9.3. YOUR LORDSHIPS may be pleased to grant ex-parte ad-interim relief in terms of para 9.2 above.

9.4. Any other further relief/s as may deem fit in the facts of the case be granted.”

4. Brief facts giving rise to the present petition are that the petitioners had purchased in all 10 parcels of land of different survey numbers and had applied for conversion of the said parcels of land which are agricultural into non-agricultural. That, it came to knowledge of Petitioners that GETCO had proposed laying down foundation for installation of 400 KV electricity lines [Kalipura (Prantij) Lilo Line] which would pass through survey numbers 186 and 187 purchased by Petitioners. That, the entire

action was proposed without any knowledge of Petitioners. That, petitioners have thereafter been following up with concerned authorities of GETCO for purpose of shifting electricity lines to the border of survey S.No. 186 which would be in the interest of all concerned to which no heed is being paid to. That, applications filed by Petitioners were responded to conveying that as per present position of DILR's map electricity lines would pass through S.Nos. 184, 185, 186 and 224. Being aggrieved by the action of respondent no.2, the petitioners have filed the present petition.

5. Heard Mr. Uday Joshi, learned counsel for the petitioner and Mr. Nikunj Kanara, learned AGP for respondent no.1 and Mr. SP Hasurkar, learned counsel for respondent no.2.

6. Considering the facts and circumstances of the case, it appears that GETCO had proposed laying down foundation for installation of 400 KV electricity lines [Kalipura (Prantij) Lilo Line] which would pass through survey numbers 186 and 187 purchased by petitioners. It appears that the petitioners had approached concerned authorities for shifting proposed electricity lines to another place in the same survey numbers.

7. I have considered the averments made in the petition and considered the submissions canvassed by both the parties. This Court is of the opinion that as respondent no.2 has not considered the application of the petitioner and the objections raised by the petitioner before it, it is open for the petitioner to

approach the concerned District Collector and agitate his grievance and objections before the same. The concerned District Collector shall consider and decide the objection raised by the petitioner in accordance with law after giving proper opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of two months from the date of receipt of writ of this order.

8. With the aforesaid observation and direction, the petition is disposed of. Rule is discharged. Direct service is permitted.

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(HEMANT M. PRACHCHHAK,J)