



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 18589/2026
CNR: RJHC010781702026 | URN: CW / 32085U / 2026

Bharta Ram S/o Fula Ram, Aged About 70 Years, Resident Of
Lakhani, Tehsil Bagoda, District Jalore (Rajasthan).

-----Petitioner

Versus

1. The State Of Rajasthan, Through The District Collector, Collectorate, Jalore, Rajasthan.
2. The District Collector, Collectorate, Jalore, Rajasthan.
3. Rajasthan Rajya Vidyut Prasaran Nigam Limited (Rrrvpnl), Through Its Chairman And Managing Director, Vidyut Bhawan, Janpath, Jaipur, Rajasthan.
4. The Sub-Divisional Officer, Bagoda, District Jalore, Rajasthan.
5. The Land Record Inspector, Tehsil Bagoda, District Jalore, Rajasthan.
6. The Patwari Halqa, Tehsil Bagoda, District Jalore, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Deependra Singh Shekhawat
For Respondent(s) : Mr. Sunil Bhandari

HON'BLE DR. JUSTICE NUPUR BHATI

Order

27/10/2026

1. The present writ petition has been filed by the petitioner with the following prayers:

- “(a) Issue an appropriate writ, order, or direction, particularly in the nature of Certiorari, quashing all actions of the Respondents pertaining to the construction of the 220 K.V. electricity transmission line and high-tension tower on the Petitioner's Khatedari land bearing Khasra number 423 in revenue village Lakhani, Tehsil Bagoda, District Jalore.
- (b) Issue an appropriate writ, order, or direction, particularly in the nature of Mandamus, directing the Respondents to immediately cease all construction



activities on the Petitioner's land and to remove any existing structures or materials placed thereon.

(c) Issue an appropriate writ, order, or direction, particularly in the nature of Mandamus, directing the Respondents to initiate proper proceedings for the determination and payment of adequate compensation to the Petitioner for the use of his land, the damage caused, and the diminution in its value, in accordance with law, before undertaking any further steps.

(d) Issue an appropriate writ, order, or direction, particularly in the nature of Mandamus, directing the Respondents to comply with the stay order dated 02.02.2026 issued by the Sub Divisional Officer, Bagoda.

(e) Pass any other order or direction which this Hon'ble Court may deem fit and proper in the interest of justice, equity, and good conscience."

2. The brief facts of the case are that the Petitioner is a law-abiding citizen of India and a Khatedar tenant of agricultural land situated in Revenue Village Lakhani, Tehsil Bagoda, District Jalore, bearing Khasra No. 423 (hereinafter referred to as "the said land"), over which he is in lawful and peaceful possession and which constitutes the primary and sole source of livelihood for his family. Respondent No. 3, Rajasthani Rajya Vidyut Prasaran Nigam Limited (RRVPNL), proposed to erect a 220 KV electricity transmission line, including a high-tension tower and line corridor, a portion of which is proposed to pass directly through the said land. The Respondents initiated the process without serving any prior notice upon the Petitioner, inviting his objections regarding the alignment of the transmission line or the location of the tower, or initiating any process for determination and payment of lawful compensation, thereby violating the principles of natural justice and the applicable statutory provisions. Upon becoming aware of the proposed construction, the Petitioner submitted a detailed application/representation before the District Collector, Jalore (Respondent No. 2), raising his legal objections and requesting



relocation of the tower to an alternative site or, in the alternative, determination and payment of fair and adequate compensation in accordance with law before commencement of any work. However, the said application/representation remains pending adjudication, and no final order has been passed thereon. In separate proceedings, the learned Sub-Divisional Officer, Bagoda (Respondent No. 4), passed a stay order directing that the construction work shall not proceed until the Petitioner's application/objections are finally decided. Despite the aforesaid stay order, on 16.07.2026, officials of the Respondents, including the Land Inspector, Dhumbadia (Respondent No. 5), and the Halqa Patwari, Lakhani (Respondent No. 6), accompanied by a large contingent of police personnel from Police Station Bagoda, including ASI Kishanaram, Paburam and a female constable, acting under the authority of Respondent No. 7, arrived at the said land. Aggrieved by the aforesaid illegal and arbitrary actions of the Respondents and the threatened interference with his lawful possession and livelihood, the Petitioner is constrained to invoke the extraordinary writ jurisdiction of this Hon'ble Court by way of the present writ petition.

3. Learned counsel for the petitioner submits that the respondents have failed to serve any prior notice upon the petitioner regarding the proposed installation of the electricity transmission line, nor have they afforded him any opportunity to raise objections with respect to the alignment of the transmission line and the location of the proposed tower on his agricultural land. He further submits that the respondents are proceeding with the construction work despite the fact that the petitioner's



representation submitted before the District Collector, Jalore, raising objections to the proposed installation, is still pending consideration. Learned counsel further submits that the respondents have neither determined nor paid any compensation to the petitioner for the use of his Khatedari agricultural land, the damage caused to his standing crops and trees, and the permanent diminution in the value, utility and usability of the said land on account of the erection of the high-tension tower and the laying of the electricity transmission lines.

4. Learned counsel for the respondents submits that, in view of the directions issued by the State Government and in the larger public interest, the 220 KV Grid Sub-Station, Laakhni, was required to be made operational by September 2026. He further submits that a notification dated 06.02.2025 in this regard has been issued by the competent authority, a copy of which has been placed on record along with the reply. Learned counsel further submits that, in view of Section 16 of the Indian Telegraph Act, 1885, the petitioner has an efficacious statutory remedy of filing an appropriate application before the District Judge for adjudication of the dispute and determination of the compensation payable under Section 10 of the Act of 1885.

5. Learned counsel for the respondent places reliance upon the judgment passed in the case of **Smt. Nanchi Devi & Ors. vs. State of Rajasthan, RRVPNL, Jaipur & Ors; Civil Writ petition No.11973/2008** decided on 18.03.2009, and submits that the Court has considered Section 164 of the Electricity Act, 2003 while holding that no prior consent of notice or intimation to enter into property is necessary and only right to the owner of



occupier of the property/land is to claim compensation as provided u/s 10(d) of the Act of 1885.

6. Learned counsel for the respondent submits that in the case of **Madan Dan Arha & Anr. vs. Rajasthan Rajya Vidyut Prasaran Nigam Ltd. & Ors; Civil Writ Petition No.747/2014**

decided on 28.03.2014, the Court while relying upon the judgment passed by the Division Bench of Allahabad High Court in the case of **Lagir Lal & Anr. vs. State of U.P. & Ors; Civil Misc Writ Petition No.39173/2011**, decided on 02.09.2011 has held that in view of Section 164 of the Act of 2003 and Section 10 of the Act of 1885, the objection of the petitioner against installation/erection of towers on their respective agricultural lands without initiation of appropriate land acquisition proceedings and payment of adequate compensation is per-se misplaced.

7. Learned counsel for the respondent further submits that against the order dated 28.02.2014, passed in the case of Madan Dan Arha (supra) a D.B. Civil Special Appeal (Writ) No.586/2014 was preferred, which came to be dismissed of 21.04.2014.

8. Heard.

9. This Court takes into consideration the judgment passed in the case of Smt. Nanchi Devi & Ors. (supra) and Madan Dan Arha & Anr. (supra) and the relevant paragraphs or the orders are reproduced hereunder:

In Smt. Nanchi Devi & Ors. vs. State, RRVPNL, Jaipur & Ors.; Civil Writ Petition No.11973/2008 decided on 18.03.2009:

"A conjoint reading of S.164 of Act, 2003 & 10 of Telegraph Act depicts that for exercise of powers



to erect transmission of electricity supply line and for laying poles or constructing any tower, no prior consent of notice or intimation to enter into property is necessary and only right to the owner or occupier of the property/land is to claim compensation as provided U/s 10(d) of the Act, and their act of placing poles for laying electric line in fields of petitioners cannot be said to be unauthorized or a trespass."

**In Madan Dan Arha & Anr. vs. Rajasthan Rajya Vidyut
Prasaran Nigam Ltd. & Ors.; Civil Writ Petition
No.747/2014 decided on 28.03.2014:**

"Upon perusal of the materials available on record and on examining true purport of Section 164 of the Act of 2003 and Section 10 of the Act of 1885, in my considered opinion, the objection of the petitioners against installation/erection of towers on their respective agricultural lands without initiation of appropriate land acquisition proceedings and payment of adequate compensation is per-se misplaced. The documents Ex.R/1 and R/2 and the gazette notification dated 8th of March 2004 issued by the Energy Department, Government of Rajasthan, speaks volume about the fact that the respondents are authorized to enter into agricultural land of the petitioners for installation of electricity line, electricity pole and for erection/construction/modification of any electricity line including 132 KV line. My this view is fully endorsed by the judgment of coordinate Bench of this Court supra and the judgment rendered by Uttarakhand High Court. As regards the question of grant of compensation to the petitioners for the damage sustained by them, the remedy is available to the petitioners under Section 16 of the Act of 1885 wherein all disputes concerning sufficiency of compensation to be paid and entitlement of an individual to receive compensation including share of an interested person in it has been dealt with. It is also envisaged with clarity and precision that such determination can be made by the District Judge concerned within whose jurisdiction land is situated.



Therefore, apprehension of the petitioners that they would not be paid compensation for the damage suffered by them on account of installation of towers is per-se not tenable. The petitioners can very well invoke jurisdiction of a competent civil Court for claiming the requisite compensation in accordance with law. Thus, viewed from any angle, the grievances of the petitioners against the respondents for installation of the towers for facilitating transmission of electricity for the purpose of supplying electricity to public at large is wholly untenable and so also the apprehension of the petitioners that they would not be paid requisite compensation for the damages sustained by them due to said action of the respondents."

10. This Court finds that the submissions advanced by learned counsel for the petitioner regarding the failure of the respondents to invite objections from the petitioner in respect of the proposed installation/erection of the electricity transmission line adjacent to his residential house, as well as the alleged failure to serve prior notice or intimation before entering upon his property, are misconceived in view of the legal position settled in the case of Smt. Nanchi Devi & Ors. (supra) and Madan Dan Arha & Anr. (supra). So far as the petitioner's prayer for determination and payment of adequate compensation is concerned, he has an alternative statutory remedy available under the Indian Telegraph Act, 1885, which he may avail himself of in accordance with law.

8. Accordingly, the writ petition is dismissed. However, the petitioner shall be at liberty to take appropriate recourse for determination and payment of compensation, in accordance with law.

(DR.NUPUR BHATI),J

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Mithil