

ITEM NO.27

COURT NO.1

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 17100/2013

(Arising out of impugned final judgment and order dated 12/04/2013 in WP(PIL) No. 72/2013 passed by the High Court Of Gujarat At Ahmedabad)

LUNA GRAM PANCHAYAT & ORS.

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(with interim relief and office report) (for final disposal)

Date : 06/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Nikhil Goel, Adv.
Ms. Naveen Goel, Adv.
Mr. Ashutosh Ghade, Adv.

For Respondent(s) Mr. Preetesh Kapoor, Adv.
Ms. Hemantika Wahi, Adv.
Ms. Jesal Wahi, Adv.
Ms. Mamta Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Having considered the merits of the controversy raised before us, it emerged during the course of hearing, that approximately 1,80,000 square meters of land is available for grazing purposes in village Luna. The State Government has chosen to invoke Section 108(4) of the Gujarat Panchayat Act, 1993, so as to resume 4,900 square meters of the said land, for raising a 66 KVA sub-station, which is mainly aimed at supplying electricity to the residents of the village Luna (including surrounding areas).

According to the learned counsel for the petitioners, the action at the behest of the authorities is arbitrary, because there is substantial barren land available in the village, where the sub-station can be raised. It is also submitted, that the objection of the Gujarat Energy Transmission Corporation Limited, that the remaining land in the village is low-lying, and is submerged in water, during the monsoon season, is not valid for a large chunk of such land.

2. If barren land is available to raise a sub-station, specially when such land is not low-lying, it would be just and appropriate to utilise the same, rather than to take over grazing land for raising a sub-station. We accordingly hereby direct the petitioners, to furnish to the District Collector, Vadodara, Gujarat, particulars of barren land which is not low-lying, where a sub-station can be raised (to provide electricity to the residents of village Luna, and its surrounding areas). Needful shall be done by the petitioners, within two weeks from today. The District Collector afore-mentioned, shall evaluate the particulars of the land furnished by the petitioners, and determine, whether the same is equally suitable as the land which has presently been earmarked for raising the sub-station. The District Collector afore-mentioned, shall take a positive decision in respect thereof, by passing an appropriate order, within four weeks from the date of receipt of such information (from the petitioners).

3. We hereby direct, that the determination rendered by the District Collector, shall be final and binding, on both the parties.

4. In case, the District Collector passes an order in favour of the land, details of which are provided by the petitioners, measures shall be taken by the authorities to shift the construction of the sub-station to the said land, failing which the sub-station shall be raised at the land presently earmarked.

5. Disposed of in the aforesaid terms.

(Renuka Sadana)
Assistant Registrar

(Parveen Kumar)
AR-cum-PS