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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

ON THE 14th OF MAY, 2025

WRIT PETITION No. 11952 of 2025

SMT. NARMADA AND OTHERS

Versus

STATE OF MADHYA PRADESH AND OTHERS

WITH

WRIT PETITION No. 11958 of 2025

SOHAN AND OTHERS

Versus

STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 13182 of 2025

DINESH AND OTHERS

Versus

STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 13185 of 2025

BHANUSINGH

Versus

STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Nitin Phadke - Advocate for the petitioners.

Shri Kushal Goyal – Deputy Advocate General for respondent Nos.1 to 7/State.

Shri S.C. Bagadia – Senior Advocate with Shri Rohit Saboo – Advocate for the respondent No.8.

ORDER



1] Heard, finally with the consent of the parties.

2] This order shall govern the disposal of connected Writ Petition Nos.11952, 11958, 13182 and 13185 of 2025, regard being had to the similitude of the reliefs sought. For the sake of convenience, the facts as narrated in Writ Petition No.11952 of 2025 are being taken into consideration.

3] This writ petition has been filed by the petitioners, who are the resident of Village – Rajgarh, Tehsil – Sardarpur, District – Dhar, under Article 226 of the Constitution of India seeking the following reliefs:-

- a. A writ in the nature of certiorari/mandamus or any other appropriate writ, order or direction in exercise of writ jurisdiction of this Hon'ble Court be issued for quashment of the communication Annexure P/5 dated 07.01.2025 issued by the respondent no. 4.
- b. A writ in the nature of mandamus or any other appropriate writ, order or direction in exercise of writ jurisdiction of this Hon'ble Court be issued for restraining the respondents from installing electricity towers and overhead transmission line from the land of the petitioners.
- b. Costs of the petition be awarded to the petitioners from the respondents; and
- c. Any other relief which this Hon'ble Court may deem fit in the facts of the present case be granted in favour of the petitioner.”

4] The petitioners are aggrieved of the order dated 07.01.2025, whereby the Forest Range Officer, Range Area –Sardarpur has directed the respondent No.8 to carry out the work regarding laying of 220 KV overhead transmission line up to Rajgarh (PGCIL) substation, Sardarpur, Dhar under Sardarpur Kharmor Wildlife Sanctuary at Sardarpur, Dhar, M.P. In this order reference to the permission letter dated 02.01.2025 issued by Chief Conservator of Forest, Bhopal has also been made, and the



respondent No.8 has been directed to inform the said Officer regarding commencement of the work so that the forest staff can monitor the same.

5] In brief, the facts of the case are that the petitioners are the resident of Gram Rajgarh, Tehsil – Sardarpur, District – Dhar, and they are aggrieved by the aforesaid communication issued by the respondent No.4 regarding installation of the electricity towers, and overhead transmission line over *Environmentally Sensitive Zone* (ESZ) declared by the State of M.P. The petitioners' case is that they are the *bhumiswamis* of land bearing survey No.18/4 area admeasuring 0.951 hectare situated at village Rajgarh. The said land was purchased by them through a registered sale deed dated 14.08.2023 from its previous owner, and according to the petitioners, the aforesaid land is located within the Environmentally Sensitive Zone (ESZ) and is located adjacent to forest area reserved for conservation of a bird species known as "***Kharmor***" (***Lesser Florican***), which is an endangered species and is on the verge of extinction. According to the petitioners, for conservation and protection of the habitat of the aforesaid endangered bird species, the area falling within 14 villages of Tehsil Sardarpur has been declared as Environmentally Sensitive Zone (ESZ) and, in pursuance to which, an order dated 24.02.2000 has also been passed by the Collector, imposing restrictions in respect of the land use in 14 villages. However, on 23.03.2025 when the employees of the respondent No. 8 company came to the petitioners' land along with labour force and other equipment with a view to install electricity towers on the petitioners' land, they opposed the same, however, they were informed that on their land, electricity towers for 200 KV overhead transmission line are to be installed. The petitioners were also informed by the said persons that they have already obtained the



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approval from the concerned authorities, and thus, they cannot be obstructed. After the petitioners obtained the relevant documents from the respondents, they came to know that on 07.01.2025 the respondent No.4 Range Officer has granted permission to the respondent No.8 for installing overhead transmission line. The said order dated 07.01.2025 is under challenge in this petition.

6] It is the further case of the petitioners that soon thereafter the petitioners approached the respondent Nos.2 to 6 and other Government Authorities by filing representation requesting them to take proper action and stop the installation of illegal and unauthorized electricity poles. However, since no action has been taken by the respondents, the petitioners were forced to file this petition.

7] Shri Nitin Phadke, learned counsel for the petitioners has submitted that the Government Authorities have erred in lightly brushing aside the fact that the area has been specifically reserved as Sardarpur Kharmor Sanctuary, which is an Environmentally Sensitive Zone (ESZ). It is also contended that the land of the petitioners is being acquired without payment of any compensation to them, despite there being a specific notification issued by the State Government in this regard on 01.04.2019, which is also filed along with the petition as Annexure P/7.

8] Shri Phadke has vehemently submitted that in view of the area of the petitioners being reserved as Environmentally Sensitive Zone (ESZ), and the fact that it falls within the Sardarpur Kharmor Sanctuary, no electricity tower could be installed on the same, and the permission granted by the respondent No.4 through the letter dated 07.01.2025 is illegal and without jurisdiction. Thus, it is submitted that the petition be allowed, and



the respondents be restrained from erecting any electricity tower on the petitioners' land.

9] Shri Phadke, has also relied upon the decision rendered by the Supreme Court in the case of *Century Rayon Limited Vs. IVP Limited and others* reported as (2021) 20 SCC 758 and has also referred to various orders passed by the Supreme Court in pending *Writ Petition (Civil) No.838 of 2019 (M. K. Ranjitsinh & Ors. Vs. Union of India & Ors.)* and the orders passed therein, and it is submitted that the issue relating to the feasibility of such project is already under consideration by the Committee constituted by the Supreme Court of India in the said case, and it is submitted that in the light of the aforesaid decision, the respondent cannot continue with the construction work, as the Expert Committee's report is still to be filed before the Supreme Court.

10] A reply to the petition has also been filed by the respondent No.8. However, Shri S.C. Bagadia, learned senior counsel, at the outset, has submitted that the respondent No.8 may be allowed to install the electricity towers looking to the forthcoming rainy season, and the electricity in the said towers can be supplied only after the final order is passed by this Court. However, Shri Phadke, counsel for the petitioners has opposed the aforesaid preposition.

11] Thus, it is submitted by Shri Bagadia that otherwise also no case for interference is made out, for the reason that the respondent No.8 is engaged in installation of electricity towers as has been awarded to them, which is also in National interest, as the aforesaid work is in line with the objectives of the government to reduce the carbon emissions, for which, the Ministry of New and Renewable Energy has initiated many measures, and



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one of which is the promotion of renewable energy sources, pursuant to which, guidelines have also been issued by the Government of India for "Tariff Based Competitive Bidding Process for procurement of power from Grid Connected Wind Solar Hybrid Projects issued by the Ministry of New and Renewable Energy vide F. No.27/03/2023-RCM dated 21.08.2023, including subsequent amendments and clarifications.

12] It is the further case of the respondent No.8 that pursuant to the aforesaid initiative NTPC Ltd., a Government of India enterprise, has also issued a tender on 19.07.2023, for selection of power generation company for setting up of 1500 MW ISTS connected wind-solar hybrid power projects anywhere in India. In the said tender proceedings, the respondent no. 8 was the successful bidder for 250 MW capacity of wind/solar hybrid power project, and the work is being executed through the respondent no. 8's subsidiary, M/s. Spring Vayu Vidyut Pvt. Ltd., (in short "SVVPL") in the State of Madhya Pradesh, in whose name all the permissions and project have been granted. According to the respondent No.8, the project consists of wind turbine generators (WTGs) erected at various locations that will harness the wind power to generate electricity, and the power generated from the project is proposed to be transmitted through the high voltage transmission line and towers to Power Grid Corporation of India Limited's (PGCIL) 400/220 KV Grid Substation at Rajgarh ("PGCIL's GSS"), and from the substation at Rajgarh, the power will thereafter be transmitted through central grid network, for further distribution. Thus, Shri Bagadia has submitted that the project is of national importance, and only on account of the stay order passed by this Court, the same has come to a halt. It is submitted that the transmission line running between these sub-



stations via the property of the petitioners is a single continuous line and any disruption in establishing this continuous connection, would jeopardize the entire Project.

13] Shri Bagadia has submitted that the respondent No.8 has been granted permission to lay overhead transmission line, and not the underground transmission line. It is also submitted that the transmission line construction required establishment of 101 towers, out of which 90 towers have already been constructed in de-notified area, and remaining 11 towers are required to be erected in the area falling under the Sardarpur Bird Sanctuary, whereas 80th meeting of Standing Committee National Board for Wild Life, which was held on 09.10.2024, the Standing Committee approved SVVPL's application to lay down transmission line in the Sanctuary on fulfillment of certain conditions by SVVPL. Copy of minutes of the meeting dated 09.10.2024 published through the letter dated 15.10.2024 has also been filed on record, and pursuant to which, the permission dated 14.11.2024 to lay down 11 towers of the transmission line through Sanctuary was issued by Chief Conservator of Forest (Wild Life) also, imposing certain conditions for fulfillment of SVVPL. Copy of the said letter is also filed on record as Annexure R/8/5. Thus, it is submitted that pursuant to the aforesaid letter, all the procedural formalities have also been completed by the respondent No.8, and as such there is no legal impediment in installing the aforesaid 11 towers.

14] Senior counsel has also drawn the attention of this Court to the impugned order, which is actually the separate permission to commence the work for construction of 11 towers. Thus, it is submitted that the petitioners' apprehension is unfounded so far as the installation of towers in



the Environmentally Sensitive Zone (ESZ) is concerned. It is also submitted that the information regarding the installment of the towers was also published in the local newspaper on 12.03.2025, and thus, it cannot be said that the petitioners were not aware of laying of the said towers. It is also submitted that the respondent is ready to pay the compensation in pursuant to the notification dated 01.04.2019 issued by the State Government, and for this purpose, petitioners were also called upon by the SDM, but they never appeared, and in such circumstances, their contention that they are not being paid the compensation is also misleading and false. Thus, it is submitted that the petition be dismissed with costs.

15] Heard the learned counsel for the parties and perused the record, as also the permissions, which have been granted to the respondent No.8 for the installation of the overhead transmission line.

16] It is found that the installation has been duly notified through the Gazette Notification dated 20.06.2024 issued by the under Secretary for the Ministry of Power, the relevant excerpts of the same read as under:-

“Now, after careful consideration, Ministry of Power, Government of India, under section 164 of the Electricity Act, 2003, confers all the powers to M/s Sprng Vayu Vidyut Private Limited for laying above overhead line, which telegraph authority possesses under the Indian Telegraph Act, 1885 with respect to placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by Government or to be established or maintained subject to following terms and conditions for installing the above mentioned line, namely:

- i. The approval is granted for 25 years.
- ii. The Applicant shall have to seek the consent of the concerned authorities i.e., local bodies, Railways, National Highways, State Highways etc. before erection of proposed line.
- iii. The Applicant shall have to follow regulations/codes of the Appropriate Commission regarding transmission, O&M, open access, etc., framed under Electricity Act, 2003.
- iv. The Applicant shall operate the line after approval of Electrical Inspector / Chief Electrical Inspector of Central Government.
- v. The approval is subject to compliance of the requirement of the provisions of the Electricity Act, 2003 and the rules made there under by the applicant.



vi. M/s Sprng Vayu Vidyut Private Limited shall have to submit the requisite clearances to Central Electricity Authority after obtaining the same from concerned authorities like Civil Aviation, Defense etc., at the time of Electrical Inspection.

vii. In case, the route of above overhead lines (or some portion of the route of above overhead line) falls in the Great Indian Bustard (GIB) potential zone (or priority zone), **the applicant has to comply with the orders of the Hon'ble Supreme Court in the petition No.838 of 2019 regarding Great Indian Bustard (GIB) case, and the directions of the technical/expert committee constituted by the Hon'ble Supreme Court in this regard.**

(Emphasis supplied)

17] It is also found that the State Government Wild Life Protection Board, headed by the Chief Minister in its 27th meeting , the permission was granted to the SVVPL, and the application was further forwarded to the approval of National Board for Wild Life (NBWL) in Agenda No.27.24, the following resolution has been passed:-

“एजेण्डा क्रमांक-27.24

“सरदारपुर अभयारण्य के अंतर्गत 220 के.व्ही. ओव्हरहेड विद्युत ट्रांसमिशन लाइन डाले जाने एवं 11 टॉवर के निर्माण हेतु ग्राम अमोदिया की 11.095 हेक्टर निजी राजान अभयारण्य भूमि स्प्रिंग वायु विद्युत प्रायवेट लिमिटेड, धार की उपयोग करने की वन्यप्राणी अनुमति।” (WL/MP/TRANS/485487/2024)

निर्णय :-

“सरदारपुर अभयारण्य के अंतर्गत 220 के. व्ही. ओव्हरहेड विद्युत ट्रांसमिशन लाइन डाले जाने एवं 11 टॉवर के निर्माण हेतु ग्राम अमोदिया की 11.095 हेक्टर निजी राजस्द अभयारण्य भूमि स्प्रिंग वायु विद्युत प्रायवेट लिमिटेड, धार को उपयोग पर देने संबंधी प्रस्ताव की राज्य वन्यप्राणी बोर्ड द्वारा अनुशंसा की गई। राष्ट्रीय वन्यप्राणी बोर्ड से अनुमति प्राप्त कर आगामी कार्यवाही की जावे।”

18] Pursuant to which, the NBWL has also granted the permission on 15.10.2024 for the said proposal, the relevant excerpts of the same read as under:-

“80.6.19 Proposal for use of 11.095 ha non-forest area for laying of 220kV line Overhead line via Sardarpur bird



sanctuary from PGCIL 400kV Rajgarh SS to SVVPL 220kV wind farm PSS at Hajaratpur, Dhar Madhya Pradesh.

XXXXXXXXXXXXXXXXXXXXXXX

Decision Taken: After discussions, the Standing Committee decided to recommend the proposal subject to the following conditions.

1. 2% of project cost in the Sanctuary area is proposed to be paid by user agency
2. No work shall be done at night
3. construction materials if required shall be brought from outside the Protected Area.
4. An annual compliance certificate on the stipulated conditions shall be submitted by the User Agency to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government.”

19] Thereafter, the Chief Conservator of Forest, vide his letter dated 14.11.2024, has also allowed the aforesaid installation work in line with the decision taken by the NBWL with certain conditions, and pursuant to which, Office of Forest Conservator Officer, Dhar has allowed the respondent No.8 to carry out the aforesaid installation work with certain conditions, and when the respondent No.8 has also deposited 2% of the project cost in the sanctuary area, which comes to around Rs.2,53,00,000/-, and upon payment of the same, the Principal Chief Conservator of Forest (Wild Life) on 02.01.2025 has issued the letter to the respondent No.8 to commence the work, and a separate permission to commence the work for construction of 11 towers has also been granted by the Forest Divisional Officer vide the impugned order dated 07.01.2025.

20] On perusal of the aforesaid documents filed on record, this Court is of the considered opinion that the respondent No.8 has obtained all the legal permissions from the competent authorities, and the competent authority, in no uncertain terms has also referred to the directions of the Technical/Expert Committee constituted by the Supreme Court of India



emphasizing that the respondent No.8 has to comply with the order of Supreme Court in the case of M.K. Ranjitsinh & Ors.in *W.P. No.838 of 2019 (supra)* on which, counsel for the petitioners has also relied upon.

21] In such facts and circumstances of the case, this Court finds that the apprehension raised by the petitioners are unfounded, and appears to have been raised only with a view to stall the project for their person gains.

22] So far as the contention of the petitioners that they are also not compensated for the acquisition of the area of their land is concerned, the respondent No.8 has specifically averred that they are ready to pay the compensation, but the petitioners have never appeared before the concerned SDM, despite they were called by the SDM. Thus, in this regard, it is directed to the petitioners to approach the concerned SDM on **04.06.2025**, so that appropriate orders can be passed in accordance with law. Let the aforesaid exercise be completed within further four weeks' time.

23] Accordingly, the petition being devoid of merits, is hereby *dismissed*.

24] No costs.

25] Let a copy of this order be kept in other connected petitions.

(SUBODH ABHYANKAR)
JUDGE

Pankaj