



CNR: KAHC010139332026

NC: 2026:KHC:37048
WP No. 6460 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 6460 OF 2026 (GM-KEB)

BETWEEN:

SMT. KUSUMA
W/O LATE HONNASWAMY
AGED ABOUT 44 YEARS
RESIDING AT KELAGANA BEEDI
HULIYURUDURGA
HOSAPETE, KUNIGAL - 572 123

...PETITIONER

(BY SRI. RAVIKUMARA B.R., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
TUMKUR DISTRICT,
TUMKUR-572 101
2. THE ASSISTANT EXECUTIVE ENGINEER
(ELECTRICAL)
KARNATAKA POWER TRANSMISSION
CORPORATION LIMITED (KPTCL)
PROJECT SUB-DIVISION
TUMAKURU- 572 101



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3. KARNATAKA POWER TRANSMISSION
CORPORATION LIMITED (KPTCL)
REPRESENTED BY ITS
MANAGING DIRECTOR
KAVERI BHAVAN
BENGALURU- 560 009

...RESPONDENTS

(BY SRI.SRIRANGA S., SENIOR COUNSEL FOR
SRI.H.V.DEVARAJU, ADVOCATE FOR C/R2 & R3
SRI.MANJUNATH B., AGA FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO-
QUASH THE IMPUGNED ORDER DATED 15.12.2025 WHICH
WAS SIGNED ON 23.01.2026 PASSED BY THE R1 (DEPUTY
COMMISSIONER) IN MAG/6/2025 (ANNEXURE-A).

THIS WRIT PETITION HAVING BEEN HEARD AND
RESERVED ON 04.06.2026, COMING ON FOR
PRONOUNCEMENT OF ORDER THIS DAY, THE COURT
PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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CAV ORDER

The present writ petition is filed seeking the following prayer:

"PRAYER:

WHEREFORE, the Petitioner most humbly prays that this Hon'ble Court may be pleased to:-

a) Issue a writ of certiorari or any other appropriate writ, order or direction, quashing the Impugned order dated 15.12.2025 which was signed on 23.01.2026 passed by the 1st Respondent (Deputy Commissioner) in MAG/6/2025 (Annexure-A).

b) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondents not to construct the power transmission tower on the Petitioner's land bearing Survey No.484/10 situated at Hasiga Hobli, Kunigal Taluk, Tumakuru District.

c) Issue any other appropriate writ, order or direction as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity."

2. The brief facts of the case are that the petitioner is a widow and the absolute owner of the agricultural land bearing Survey No.484/10, measuring 18 Guntas, situated at Hasiga Hobli, Kunigal Taluk, Tumakuru District. It is the case that the said land is the sole source of livelihood for the petitioner. The respondent No.2/Assistant Executive Engineer, KPTCL, has issued a notice dated 02.05.2025, and the impugned notice states that the respondents are constructing a 66KV double



circuit power transmission line to connect the existing 66KV Anchepalya – Huliurudurga and Huliurudurga - Neerasale power transmission lines from the proposed 2X500 MVA, 2X 100MVA, 400/220/66 KV Substation near Huliurudurga Village, Kunigal Taluk. The notice further states that a power transmission tower (18 metres high) is proposed to be erected on the petitioner's land in Survey No.484/10. The petitioner submits that the impugned notice was issued without providing any route map or other relevant documents. Upon examining the proposed route and locations for the substation, the petitioner has observed that the respondents have arbitrarily and unscientifically altered the original route, which was intended to pass over the lands of influential persons and near a Kalyana Mantapa adjacent to the petitioner's land. Instead, the respondents have chosen to construct the power transmission towers on the petitioner's land, which is illegal and contrary to law. It is stated that erection of a power transmission tower on her land will render the land unsuitable for cultivation, which is her only means of sustenance. It will also significantly reduce the market value of her land.



3. It is stated that the respondents have not provided any documents regarding the proposed power station to the petitioner till date. Furthermore, the respondents have not issued any notice for the acquisition of the petitioner's land, nor have they followed the due process of law and rules regarding the construction of a power station on the petitioner's land. The petitioner has submitted a detailed objection statement to the notice dated 02.05.2025 addressed to respondent No.2, requesting him to withdraw the installation of the tower on her land. However, the said objection has not been considered by respondent No.2, who has failed to provide any sufficient reason for this omission. Aggrieved thereby, the petitioner had filed WP.No.16348/2025 before this Court, which was disposed of by order dated 19.06.2025, directing the petitioner to approach the respondent No.1 Authority. It is observed in the order, learned counsel for KPTCL, Sri.H.V.Devaraju, on instructions, made a categorical submission that KPTCL has filed a petition under Section 16(1) of the Indian Telegraph Act for removal of obstruction. This submission is expressly recorded in the order. It is the case that KPTCL has never filed



any petition under Section 16(1). The petitioner has only filed objections pursuant to the liberty expressly reserved by the Court. The petitioner's objection cannot be mischaracterised or converted into a statutory petition against her own land. But without appreciating any material placed on record, respondent No.1 has mechanically passed an order dated 23.01.2026, dismissing the claim of the petitioner and also permitting respondent Nos.2 and 3 to proceed with their work. Aggrieved thereby, the petitioner is before the Court.

4. Learned counsel appearing for the petitioner submits that the petitioner was not given a proper hearing or an opportunity to present her case before the decision to construct the tower on her land was made. This is a violation of the fundamental principles of natural justice. It is submitted that there is a lack of transparency. There is no mention of public consultation or the involvement of affected landowners in the decision-making process. It is submitted that there was a failure to consider alternative routes. It is submitted that alternative routes over land owned by influential individuals and near a Kalyana Mantapa were available but were deliberately



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avoided, and the decision was taken to place the tower on the petitioner's land. It is submitted that the decision to place the tower on the petitioner's land, when alternative routes exist and considering the potential hardship to her, is arbitrary. It is submitted that a proper and scientific survey might have been conducted to determine the most feasible and least disruptive route, and the route is unscientific and crooked. It is submitted that granting police protection or directing enforcement in the absence of a valid Section 16(1) petition by KPTCL would amount to prejudging the issue, nullify the petitioner's statutory right to a hearing, and defeat the very purpose for which the Court relegated the parties to the forum. It is submitted that KPTCL and their agents or officials have not provided any documents regarding the proposed power station to the land owner till date, have not issued any notice for the acquisition of the land owner's land, and have not followed the due process of law. It is submitted that the impugned order needs to be set aside.

5. Learned Senior counsel representing the counsel for the respondent Nos.2 and 3 submits that the KPTCL is



entrusted with the establishment of Sub-stations and the drawing of associated transmission lines for the evacuation of power and for all allied purposes in the interest of the public. The KPTCL has its own technically qualified personnel to undertake the establishment of Sub-stations and the drawing of transmission lines after erecting towers on lands belonging to citizens. It is submitted that the KPTCL has approved the scheme for the establishment of 2X500 MVA, 400/200 kV and 2X100 MVA, 220/66 kV Power Transformers at the 400/220/66 kV Sub-station at Huliurudurga. It is submitted that the said scheme has been notified in the Gazette dated 13.12.2024 and also notified to the public through two newspaper publications dated 29.10.2024, one in Kannada Prabha and another in Indian Express, notifying the public as per the various survey numbers, including the land in Sy.No. 484 of Hasige Hobli, Huliurudurga Hobli, Kunigal Taluk.

6. The scheme has been published for the information of the public. After approval, the KPTCL has entrusted the surveyors of the entire area with fixing the tower schedule, having regard to soil classification, etc., to M/s. Vinayaka



Surveyors, Tumakuru. The surveyors conducted a check survey of the entire area as per the tower schedule. It can be seen from the check survey schedule that the total number of towers/locations, the fixing of the tower schedule, and the degree of deviation for each tower have been stated in the check survey report. It also states that the line will pass within the village limits, and that location No.26 has been identified in Sy.No.484, Sub No.10, where DC+6 has been replaced by DD+6, provided for SH (State Highway) - 33 Road clearance and increase of angle, in order to avoid the newly constructed Sri.Lakshmi Venkateshwara Kalyana Mantapa, as per the GPS Co-ordinates East and North.

7. It is submitted that the construction of the Huliurudurga – Nidasale SC Line, undertaken to improve the voltage for the villagers, has been completed in full. The stubbing work at location No.26 has also been completed. During the course of the stubbing work at location No.26, the 2nd respondent issued a notice to the petitioner on 02.05.2025, directing payment of compensation in terms of the order of the District Magistrate and requiring the production of documents.



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In pursuance of the said notice, the petitioner submitted a reply dated 12.05.2025, under Section 16(1) of the Indian Telegraph Act and filed WP.No.16348/2025 to quash the letter dated 20.05.2025.

8. When the aforesaid petition appeared before the Court, the KPTCL, as per the instructions of the 2nd respondent, brought to the Court's notice that an application for removal of obstructions under Section 16(1) of the Indian Telegraph Act had been filed, and therefore the Court disposed of the writ petition. Though the Executive Engineer submitted the application dated 18.06.2025, which was pending before the District Magistrate for consideration, the petitioner filed a petition before the District Magistrate praying to set aside the notice dated 02.05.2025 and the letter dated 20.05.2025 issued by the Assistant Executive Engineer, and also directing the KPTCL not to construct a power transmission tower on the land in Sy.No.484/10. The District Magistrate conducted the proceedings in the petition filed by the petitioner, wherein the respondents filed objections. After hearing the arguments, the petition was dismissed, holding that execution of the work



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cannot be stopped, and observed that if there is any dispute regarding compensation, the petitioner is at liberty to approach the Jurisdiction District Judge under Section 16(3) of the Indian Telegraph Act.

9. It is submitted that at the time of conducting check survey at location No.26 in the land of the petitioner, the tower type was identified as DD+6, with a tower area of 32.62809 sq.mtrs and a corridor area of 12 guntas after deducting the tower area. Accordingly, compensation was assessed as Rs.1,63,140/- for the tower area, Rs.1,13,856/- for the corridor area, and other charges of approximately Rs.25,000/-. Thus, the petitioner is entitled to total compensation of Rs.3,01,996/. If the petitioner is aggrieved by the order of the District Magistrate, it is open to the petitioner to file a petition under Section 16(3) of the Indian Telegraph Act for enhancement of compensation before the Jurisdictional District Judge. It is submitted that the stubbing work at location No.26 in the land of the petitioner has been completed, and the pending work is to erect the tower and draw the stringing work.



10. It is further submitted that, having regard to the provisions of Section 10(d) of the Indian Telegraph Act, the officers of the KPTCL have every right to enter upon the lands belonging to private citizens without prior notice to them and without their permission for the purpose of erecting towers and placing apparatus for the drawing of transmission lines. Further, under the provisions of Section 10(d) of the Act, while executing the work, the least possible damage is to be caused to the property of private citizens, and if any damage is caused, the owner of such land is entitled to compensation. It is submitted that the erection of towers and the drawing of transmission lines will have to be in a straight line, and the same cannot be in a zigzag manner unless it is required to avoid thickly populated areas, tanks, and any division will result in colossal loss to the board/corporation, resulting in financial loss to the revenue and transmission loss, which will be lifelong. It is impossible to deviate the path for the drawing of the energy/EHT lines, since the path for the drawing of energy lines have been meticulously fixed by the survey conducted by the competent technical persons of the corporation.



11. Having regard to the technical necessities and provisions, the technically competent authorities of the respondents, who are technically qualified, have determined the line of the transmission and the locations where towers have to be erected. Further, the transmission line would be as per the check survey, and the allegations that the respondents failed to consider an alternative route over the land owned by an influential individual near a Kalyana Mantapa, and that this was deliberately avoided, are false and do not arise, since, as per the technical feasibility, the check survey has been conducted and the locations have been fixed accordingly, and the same cannot be deviated. It is submitted that the petitioner cannot stall the laying of lines, which is in the interest of the larger public. It is submitted that the writ petition needs to be dismissed with exemplary costs.

12. Having heard the learned counsel for the petitioner, the learned Additional Government Advocate appearing for respondent No.1, and the learned Senior counsel representing the learned counsel for the respondent Nos.2 and 3, perused the entire material on record. The District Magistrate passed an



order, observing that, after reviewing all the facts, the applicant requested to cancel the notice issued for compensation under Section 16(1) of the Indian Telegraph Act and to order the stoppage of work on the land in Sy.No.484/10 situated at Hasiga Hobli, Kunigal Taluk, Tumakuru District. However, under Section 16(1) of the Indian Telegraph Act, there is no scope to order the stoppage of work. Furthermore, regarding the compensation amount, if the application is dissatisfied, the petitioner has the opportunity under Section 16(3) to file a suit in the District Court to obtain a revision of the compensation amount, and accordingly the application was dismissed.

13. The bone of contention of the learned counsel for the petitioner is that this is the only land for the petitioner's livelihood. She is a widow, and the respondents could have taken a deviation without laying the lines in the petitioner's land. Other allegations are that they are avoiding the lands of influential people. It is the case of the respondents that they have laid down the lines in accordance with the feasibility as per the check survey report. They have also denied that they



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have taken an alternative route to save the lands of the influential persons. It is the case that the erection of towers and the drawing of transmission lines will have to be in a straight line, and the same cannot be in a zig-zag manner unless it is required to avoid a thickly populated area. It will result in loss to the board/corporation, resulting in financial loss to the revenue and transmission lines, which will be lifelong, and it is impossible to deviate the path for the drawing of the energy EHT lines.

14. The controversy between the parties revolves around the scope and extent of powers conferred under the Indian Telegraph Act, as made applicable to the Electricity Act, 2003. Section 10 of the Indian Telegraph Act authorises the authority, from time to time, to place and maintain a telegraph line under, over, along or across, and posts in or upon any immovable property, subject to the condition that as little damage as possible is caused and full compensation is paid for any damage sustained. Section 16 provides for the resolution of disputes by the District Magistrate in cases of resistance or obstruction. It is also a well-settled proposition of law that the



right conferred upon the authorities under this provision is in the nature of a statutory easement. While the petitioner, as a land owner, undoubtedly enjoys the constitutional protection of property under Article 300A of the Constitution of India, such right is not absolute and is subject to lawful restrictions imposed in the larger public interest.

15. The statutory framework strikes a balance between individual property rights and the collective need for infrastructure development. The land owner does not have a vested right to prevent the laying of transmission lines, provided that the action of the authorities is in conformity with the statutory provisions, guided by the public interest, and not arbitrary or unreasonable. Electricity transmission projects are undertaken to serve a broad spectrum of society, including residential, commercial, agricultural and industrial sectors. Any undue obstruction or delay to such projects would have a cascading effect on public welfare, economic growth and essential services. Therefore, while individual inconvenience or hardship cannot be ignored, it must be weighed against the larger social benefits. The statutory scheme ensures this



balance by mandating minimal intrusion upon private property and providing adequate compensation. While considering the larger public interest, the rights of the landowners cannot be unilaterally brushed aside. The authorities have a legal obligation to ensure that alignment is chosen after due consideration of technical feasibility and with an effort to minimise impact on private property.

16. The District Magistrate, while exercising the power under Section 16 of the Indian Telegraph Act, is required to act as a quasi-judicial authority, objectively considering the objections raised, examining whether alternative routes are available, and ensuring that the exercise of statutory power does not result in unnecessary or disproportionate hardship to the land owner. The requirement to pay compensation further serves as a safeguard to mitigate the impact on the property owner. A perusal of the impugned order shows that the Deputy Commissioner has failed to take into consideration the objections raised by the petitioner. As per the order, it is stated that the applicants have requested to cancel the notice issued for compensation under Section 16(1) of the Indian Telegraph



Act and to order the stoppage of work. There is no scope to order the stoppage of work. Furthermore, regarding the compensation amount, if the applicant is dissatisfied, she has an opportunity to file a suit.

17. In the considered opinion of this Court, the Deputy Commissioner has failed to understand the objections raised on behalf of the petitioner and, simply considering the request to stop the work, has passed an order, as such powers are not available to him. It is the specific case of the petitioner, the feasibility of alternative rules was not examined, and the petitioner has only an acre of land and is a widow. There should have been some exercise done by the Deputy Commissioner. After doing the requisite exercise, if the Deputy Commissioner comes to the conclusion that the petitioner's request cannot be considered and, in the larger public interest, has to go as per the sketch as suggested by the respondents, it would be altogether a different case. But in this case, the Deputy Commissioner has failed to consider any of these aspects.

18. In the considered opinion of this Court, the impugned order fails to consider the case of the petitioner. At the same



time, this Court is conscious of the fact that the rights of the petitioner are very limited in these type of matters. They can only seek compensation and cannot stop the authorities from laying the lines which are in the larger public interest. But at the same time, the Court cannot lose sight of the fact that there should be a proper balance between the private interest and the public interest. The exercise of statutory provisions should not be arbitrary, unreasonable or mala fide. The petitioner has made many allegations and stated that undue advantage is given to influential individuals, and that they have avoided their lands. In those circumstances, the Deputy Commissioner ought to have considered the objections that are filed by the petitioner. In that view of the matter, this Court is passing the following order:

ORDER

- i. Accordingly, the writ petition is ***allowed***.
- ii. The order dated 15.12.2025 passed by respondent No.1/Deputy Commissioner in MAG/6/2025 is **set aside**.



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- iii. The respondent No.1/Deputy Commissioner is directed to consider the objections of the petitioner in the light of the allegations made by her and shall pass appropriate orders within a period of three days from the date of receipt of copy of the order.
- iv. Till such time, the interim order granted in this writ petition shall be in force.
- v. All I.As. in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

MEG
List No.: 1 Sl No.: 3