

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.18549 OF 2011

DATED:19-6-2015

Between:

Penmetsa Aruna Devei

... Petitioner

And

The Superintendent Engineer (Electrical)

A.P.E.P.D.C.L. Eluru

West Godavari District

and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. T.V.V. Koteswara Rao

COUNSEL FOR THE RESPONDENTS: Mr. P. Anand Seshu,
Standing Counsel for APEPDCL

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a Mandamus to declare the action of the official respondents in seeking to shift the existing 11 KV electrical line from the land of respondent No.5, which would affect the petitioner's property admeasuring Ac.3.00 in R.S. No.235 and 236 of Bhimavaram in West Godavari District, as illegal and arbitrary.

Respondent No.3 has filed a counter affidavit wherein it is *inter alia* stated that respondent No.5 has applied for shifting of 33 KV line passing through his sites situated at call center, Bhimavaram, that respondent No.4 has inspected the site and prepared an estimate for shifting the existing line and that after receiving the estimate charges, the work pertaining to shifting of the line was commenced. That a pole along with two numbers of supporting poles are erected at the boarder of site of respondent No.5, that on a representation made by the petitioner not to draw the line through her fields the work was stopped and that shifting of the line will not affect any consumer as the estimate was prepared in such a way that it is passing through the roads formed by respondent No.5 in his approved layout. It is further asserted in the counter affidavit that shifting of 33 KV line does not in any way affect the petitioner as the line is not touching even the boarder of her fields.

At the hearing, Mr. T.V.V. Koteswara Rao, learned counsel for the petitioner, submitted that even though the official respondents have taken the stand in the counter affidavit that no part of the line is passing through the petitioner's land, the photographs filed by her show that one pole along with a support pole was erected over the petitioner's land.

Mr. P. Anand Seshu, learned Standing Counsel for the Andhra

Pradesh Eastern Power Distribution Company Limited, has denied this submission and stated that the official respondents have laid the line through the internal roads formed by respondent No.5.

In the light of the specific averments contained in the counter affidavit of respondent No.3 that shifting of 33 KV line at the instance of respondent No.5 is not affecting the interests of the petitioner as no pole is being erected, even touching the boarder of the petitioner's fields, there remains nothing for further adjudication of the writ petition. However, if the petitioner finds that any pole or poles have been erected over her land, she shall be free to approach the competent court of civil jurisdiction seeking removal of such poles at the expense of the respondents.

Subject to the liberty given to the petitioner as above, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.22365 of 2011 and W.V.M.P. No.3634 of 2011 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

19-6-2015

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