

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.24304 of 2010

Date:15.7.2015

Between:

S.V.S.Thirumala Rao,
S/o S.L.S.Narasimha Rao

..... **Petitioner**

And

The District Collector,
Krishna District at Machilipatnam
and another.

....**Respondents**

Counsel for the Petitioner: Sri J.U.M.V.Prasad

Counsel for the Respondent No.1: GP for Revenue (AP)

Counsel for the Respondent No.2: Sri N.Siva Reddy

The Court made the following:

ORDER:

It is intriguing to note that this Writ Petition filed on apprehension that the petitioner's mango plants may be felled down in connection with laying of an extra High Tension electrical line has stalled stringing of an extra High Tension electrical line and its charging for as many as five years. Lack of vigilance on the part of respondent No.2-distribution licensee in pursuing the vacate stay application also contributed to this sad saga.

The petitioner, who claims to own land in R.S.Nos.437 and 435 of Koduru Village, G.Konduru Mandal, Krishna District, filed this Writ Petition with the grievance that the subordinates of the respondents have assigned numbers to some of his mango plants situated in the above Survey numbers in connection with laying of

400 KV Direct Circuit (DC) line. Apprehending that laying of such electrical line may completely destroy his mango garden, the petitioner has filed this Writ Petition. He has filed WPMP.No.31087 of 2010 seeking a direction to the respondents not to interfere with his peaceful possession and enjoyment of the above-mentioned land. By order, dated 04.10.2010, this Court has injuncted the respondents from causing such interference.

As irony would have it, the learned counsel for respondent No.2 who filed WVMP.No.5669 of 2010 failed to pursue the said application, as a result of which, the interim order, dated 04.10.2010, was made absolute on 19.6.2014.

From the affidavit, dated 12.06.2015, of the Executive Engineer, 400 KV Construction, A.P. Transco, Vijayawada, filed in support of WPMP.No.22318 of 2015, it appears that the whole apprehension of the petitioner that laying of 400 KV DC line may completely destroy his mango garden has turned out to be a faux pass.

In para-3 of his affidavit, the Executive Engineer has stated as under:

“I submit that the matter requires urgent disposal of the Writ Petition as the laying of 400 KV Line from Nunna to Sattenapalli was stalled at the stretch relating to the land of the petitioner from 2010 onwards. On account of the interim orders, the line stringing work was stopped, though the construction of High Tension Towers on either side of the land of the petitioner was completed long back. As a result, the power could not be charged to the said line. It is pertinent to mention here that no tower is sought to be erected in the land of the petitioner and the line alone is passing aerially over his land towards the corner of the North West side to his fields. This

respondent is ready to pay compensation to the damage if any caused to the crop or standing trees as determined by the revenue authorities. In fact, respondent No.1-District Collector has already issued proceedings in Rc.No.H2/72/2012, dated 21.05.2014, fixed the compensation for complete removal of mango trees at the rate of Rs.25,000/- for each tree and Rs.5,000/- for partial damage to the mango tree. The said order is applicable for the land situated in the villages of Agiripalli and G.Konduru Mandals of Krishna District. The writ petitioner's land is in Koduru Village of G.Konduru Mandal. A copy of the proceedings of respondent No.1 is herewith filed. As such there is no truth in the allegations of the writ petitioner with regard to the payment of compensation. It is also pertinent to mention here that the Chief Engineer, Construction/400 KV, A.P. Transco, Hyderabad was pleased to issue a memorandum dated 03.5.2011 permitting to provide +9 metres body extension towers for crossing Mango gardens in the present work place. As such the apprehension of the petitioner is ill founded. Having regard to the above facts, there is an urgency to dispose of the Writ Petition immediately. Otherwise the public will be put to loss and hardship."

It is a matter of grave concern that an important public work such as construction of 400 KV DC electrical line is stalled and the public is denied the benefit of such line for nearly five years.

Having regard to the fact that respondent No.1-District Collector has vide his proceedings No.Rc.H2/72/2012, dated 21.5.2014, determined the rate of compensation on 21.5.2014, before drawing the electrical line over the petitioner's lands, respondent No.2 is directed to inspect the former's lands, after notice to

him, ascertain the number of mango or other trees existing therein which are, if at all, required to be cut and pay compensation for such trees as per the order dated 21.5.2014 passed by respondent No.1. It is made clear that if drawing of electrical line over the petitioner's land does not involve cutting/removal of any of the mango or other trees, no such compensation need be paid to him.

Subject to the above observations and directions, the Writ Petition is disposed of.

As a sequel to the disposal of the Writ Petition, interim order, dated 04.10.2010 as made absolute on 19.6.2014 is vacated and WPMP.Nos.31087 of 2010 and 22318 of 2015 are dismissed and WVMP.No.5669 of 2010 is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*15th July 2015
DR*