

IN THE HIGH COURT OF JUDICATURE; AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No. 25105 of 2015

BETWEEN

B.Mahender Reddy and ors.

...Petitioners

And

The State of Telangana,
Rep. by its Principal Secretary,
Energy Department, T. Secretariat, Hyderabad and ors.

...Respondents.

DATE OF JUDGMENT PRONOUNCED: 11.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES |
| 2. Whether the copies of judgments may be
marked to Law Reporters/Journals. | NO |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment ? | NO. |

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 25015 of 2015

ORDER:

Heard learned Counsel for the petitioners and learned Standing Counsel for the respondents.

The petitioners claim to be the absolute owners and possessors of the lands admeasuring Ac.4.10 Gts, Ac.2.00 Gts and Ac.1.00 Gts comprised in Sy.Nos.518, 485, 485/A1 and 518/U1 respectively of Kothakota town and Mandal, Mahabubnagar District. Though the said lands were originally agricultural lands, later they have been converted into non-agricultural lands. While so, the fourth respondent gave notice dated 2.6.2015 under the provisions of the Indian Electricity Act, 2003 stating that 400 KV Power Transmission line would pass through the property of the petitioners. When the respondents have not paid any compensation on account of passing the power transmission lines over the subject lands of the petitioners, the present Writ Petition is filed.

A counter affidavit is filed on behalf of Respondents 2,3 and 4 stating that notice dated 2.6.2015 was served on the petitioners informing that 400 KV Power Transmission Line would pass through their subject lands and that the compensation for yield component of the trees and damage to the crops should be paid as assessed by the Revenue Department. It is stated in the counter affidavit that the transmission towers are being erected for 400 KV Quad Mose

Double Circuit Line from Veltloor SS to Tungabadra river for evacuation of power produced from Wind Mills at Urava Konda, Ananthapur district; that it is an integrated project and the execution commenced on 13.12.2013 and the same has to be completed by 26.7.2015; that Wind Power Project is in the final stage and the Transmission Lines will be erected at the earliest; that the power is being produced mainly to supply power to the farmers in Mahabubnagar District at present as the entire land is dry land and that power is required to be provided immediately to the bore-well farmers. The respondents relied on the decisions of this Court in K.SUBBA RAJU Vs. EXECUTIVE ENGINEER, TLC DIVISION, AP TRANSCO, VISAKHAPATNAM DISTRICT {2010 (4) ALD 358} and G.V.S. RAMAKRISHNA Vs. AP TRANSCO {2009 (3) ALD 343}. It is stated that the compensation would be paid in accordance with law as assessed by the revenue authorities.

In view of the undertaking given by the respondents in the counter affidavit, it is open for the respondents to proceed with laying of power transmission lines over the subject lands of the petitioners. However, it is made clear that the respondents shall pay the compensation to the petitioners in accordance with law within a period of three months from the date of receipt of a copy of the order.

The Writ Petition is accordingly disposed of at the admission stage with the consent of the learned Counsel appearing on either side. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 11th August, 2015.

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