

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.24056 of 2015

ORDER:

The petitioner is stated to be the owner of Ac.18.00 cents of land forming part and parcel of Survey No.506 of Boddanapalli Village, Agripalli Mandal, Krishna District. He raised a mango garden, apart from raising 22 teak wood trees and 22 red sanders wood trees. The said trees are fully grown and have good market value. Now, the respondents are laying overhead lines across the land belonging to the petitioner. The petitioner filed the present writ petition challenging the action of the respondents in not paying compensation but going ahead with the laying of overhead lines across his land.

The second respondent filed a counter affidavit stating that he issued a notification for erecting the transmission lines and substations at a total estimated cost of Rs.363.78 crores to improve the voltage profiles and to meet the additional load demand in Guntur and Prakasam Districts. Objections were invited from the persons interested and no objections were received from anyone including the petitioner. Thereafter, a detailed survey was conducted and maximum care was taken to see that there is a minimum damage to the existing trees on the route. The total length of the proposed line is 107.87 kms and the total towers to be erected in that line are 303. Out of those 303 towers, respondents had completed erection of 302 towers. The only tower that remained to be completed is the tower to be erected in the land of the petitioner. In view of the same, a notice was issued to the petitioner on 12.01.2015 but the petitioner failed to respond the said notice.

In the counter, it is further stated that another letter was issued on 29.06.2015 informing the petitioner that compensation would be paid for the damage to the crop/trees as determined by the District Collector and Forest Officials and requested him to cooperate for laying of foundation works scheduled on 06.07.2015. But, the petitioner instead of cooperating for laying of tower, started creating law and order problem.

The subsequent letter addressed to the petitioner on 13.07.2015 did not elicit any cooperation. In those circumstances, the Superintending Engineer addressed a letter to the District Collector, Krishna on 22.07.2015 requesting to issue necessary instructions to police for providing protection at work spot on 27.07.2015. Accordingly, under the police protection, the foundation work was completed on 01.08.2015.

It is further stated in the counter that in the proposed tower location No.12/2, only 6 mango trees are to be removed and respondents are ready to pay compensation as fixed by the District Collector, Krishna, vide his proceedings dated 21.05.2014.

The compensation payable to the red sandal trees has to be assessed by the Divisional Forest Officer, Vijayawada and the compensation payable to the teak wood trees has already been fixed and permission was also given by him. But, the value of other trees is yet to be fixed. The respondents are willing to pay compensation to the petitioner after submitting proof of land documents in respect of mango trees and teak trees.

In view of the above facts and circumstances of the case, the writ petition is disposed of directing the respondents to go head with the work, but after recording panchnama of the trees that are going to be effected by virtue of the work undertaken by the respondents and pay the compensation to the damaged trees and land, within a period of 90 days from the date of receipt of a copy of this order.

It is needless to mention that if the petitioner is aggrieved by the compensation assessed by the respondents, he is at liberty to take up appropriate proceedings under the provisions of Indian Telegraphic Act seeking enhancement of the compensation read with the provisions of Electricity Act.

-

Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed.

-

-

-

A. RAMALINGESWARA RAO, J

Date: 03.08.2015

Isn

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

-
-
-
-
-
-
-
-
-
-
Writ Petition No.24056 of 2015

-
DATE: 03.08.2015

Isn