

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

WRIT PETITION No. 24877 of 2015

BETWEEN

Nedunuri Veera Venkata Satyanarayana Kesava Rao & ors

...Petitioners

And

Union of India,
Ministry of Energy, Department of Energy,
Rep. by its Principal Secretary, New Delhi and ors

...Respondents.

DATE OF JUDGMENT PRONOUNCED: 07.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments?
YES/NO

2. Whether the copies of judgments may be
marked to Law Reporters/Journals.
YES/NO

3. Whether Their Ladyship/Lordship wish to

see the fair copy of the Judgment ?
YES/NO.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 24877 of 2015

ORDER:

Heard learned Senior Counsel appearing for the petitioners and learned Standing Counsel for Respondents 4 and 5.

The petitioners are agriculturists having their respective lands in Venkatapalem, Annadevarapeta and Cherukumilli villages, within the Mandals of Devarpalli, Gopalapuram and Tallapudi of West Godavari District. The third respondent intended to lay 220 KV double circuit power transmission line from 220 KV/33 KV Pallantla Sub Station to Proposed 220 KV/33 KV Pattiseema Sub Station in order to provide power supply to Lift Irrigation Scheme of Pattisam, Polvaram Mandal, West Godavari District. The proposed lines will be passing through the villages of Pallantla, Devarapalli, Lakshmipuram, Bandapuram, Cherukumilli, Venkatayapalem, Annadevarapet, Chityala, Tupakulagudem, Ragolapalli, Gutala and Pattisam, which are situated within the Mandals of Devarpalli, Gopalapuram and Tallapudi of West Godavari District. It is stated that the petitioners are small farmers, except one or two petitioners. The proposed power lines are passing through the lands of the petitioners causing damage to their lands. There is Saggonda Sub Station and the distance between Saggonda Sub Station and proposed Pattisam Sub Station is about 2 Kms

whereas the distance between Pallantla Sub Station and proposed Pattisam Sub Station is more than 30 Kms. Since the respondents did not issue any notice, the petitioners could not immediately bring the said fact to their notice. However, the petitioners have submitted a representation on 31.7.2015 to the ninth respondent requesting him to consider their grievance. When the respondents are going ahead with their proposed work of laying power distribution lines, the present Writ Petition is filed challenging the action of the respondents in laying such power lines to a distance of more than 30 Kms when it can be reduced to 2 Kms.

The learned Standing Counsel for Respondents, 4,5 and 8 submits that the petitioners did not submit any representation ventilating their grievance and that the respondents have power to lay transmission lines by invoking the provisions of Indian Electricity Act.

The learned Senior Counsel appearing for the petitioners does not dispute the power of the respondents in laying transmission lines. However, he submits that without causing any damage to the lands of the petitioners or at least minimizing the imminent damage, the respondents can think of alternative proposal by way of connecting the proposed Pattisam sub station to Saggonda sub station which approximately reduces the distance by 28 Kms. The petitioners also suggested another alternative for laying the power transmission lines.

Having regard to these facts and circumstances, the Writ Petition is disposed of giving liberty to the petitioners to submit a detailed representation to respondents 4,5,8 and 9 within

fifteen days from the date of receipt of a copy of this order bringing to their notice the imminent damage to their lands on account of the proposed laying of transmission lines and also alternative proposals for laying the proposed power transmission lines and the respondents shall consider the same and pass appropriate orders within fifteen days thereafter, by affording prior opportunity of oral hearing to the petitioners. If the respondents wants to go ahead with the existing scheme, it is needless to observe that the same shall be by way of following due process of law and by paying necessary compensation to the petitioners in accordance with law within ninety days from the date of communication of the decision. Liberty is left open to the petitioners to challenge the decision of the respondents if the law otherwise permits them.

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 7th August, 2015.

Note : CC in two days.

(BO) Msnr_x