

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.41135 of 2015

ORDER :

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

2. In this Writ Petition, the petitioners question the action of respondents in proposing to lay a 400 KV QMDC electricity transmission line through their lands.

3. The petitioners contend that respondents are not entitled to lay the line through their lands without acquiring the land which the petitioners are likely to lose on account of erection of transmission towers.

4. The respondents have filed a counter stating that vide G.O.Ms.No.115 Energy Department dt.07.10.2003, the State Government conferred power on respondents for placing electricity supply lines for transmission of electricity necessary for proper co-ordination of works deeming it to be a telegraphic authority under the provisions of the Indian Telegraph Act, 1885; that they formulated a scheme for erection of 400 KV QMDC line from the proposed 400 KV Kamavarapukota Sub-Station to China Korukondi; that the said scheme was published in the Andhra Pradesh Gazette bearing No.60 dt.04.03.2013, and also in Andhra Jyothi and Indian

Express newspapers dt.28.02.2013 for augmentation of the transmission for evacuation of power from M/s. Hinduja National Power Corporation Limited power plant and Associated Transmission System for the said power plant under System Improvement; that even though objections were called for in the Gazette notification no objections were received from anybody, including petitioners within the stipulated time; and that the land owners can cultivate their lands even after the erection of towers by the Andhra Pradesh Transco. They contend that petitioners would be granted compensation for loss of crops and trees as per assessment made by the competent authority; that on 11.08.2014 a notice had been issued to petitioners informing about laying of tower foundations in their lands; and thereafter a representation dt.26.09.2014 was received requesting re-alignment of route of proposed 400 KV line in the lands in question. They contend that this was responded to by a letter dt.24.11.2014 of 2nd respondent to 1st petitioner explaining that the shortest feasible route has been selected to mitigate technical loss and to maintain power reliability, and under the provisions of Section 164 of the Electricity Act, 2003 and as per Section 10 of the Indian Telegraph Act, 1885 there is no necessity to acquire the land for laying of transmission lines, and that only crop compensation would be paid for the crops damaged during execution of works.

5. However, the learned Standing Counsel for respondents undertakes that respondents will assess the likely crop loss or tree loss before erection of the towers in the petitioners' lands.

6. Having regard to the provisions of Section 164 of the Electricity Act, 2003 and Section 10 of the Indian Telegraph Act, 1885, I am of the opinion that respondents are not liable to acquire the land of petitioners for laying transmission lines. Under Section 16 of the Indian Telegraph Act, 1885 petitioners are entitled to compensation for crop/tree loss caused by the laying of transmission lines through their lands. The assessment of such loss would be made by respondents before executing the works, and if petitioners are aggrieved by any such assessment they have a remedy of approaching the District Court under Section 16 of the Indian Telegraph Act, 1885. However, the respondents are directed to assess and furnish the likely crop loss or tree loss to petitioners before laying the transmission lines through the petitioners' lands. Subject to the above, the Writ Petition is dismissed. No order as to costs.

7. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19-01-2016

Ndr/*