

HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.32491 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the respondents in proposing to erect High Tension Tower (400 KV) in the land of the petitioner as being illegal and arbitrary.

2. Heard the learned counsel for the petitioner and Sri N.Siva Reddy, the learned standing counsel for A.P.Transco, representing the respondents 1 to 3 and the learned Government Pleader for Revenue, representing the fourth respondent.

3. It is the case of the petitioner that he is the owner of agricultural land to an extent of Ac.1.67 cents in Survey Numbers 309P, 308P, 305P, 301P, 310 1P and an extent of Ac.0.55 ½ cents in Survey No.102 of Chepurupalli East village, Parvada Mandal, Visakhapatnam District. It is the further case of the petitioner that the respondents herein have erected High Tension Towers (400 KV) in survey Nos.309P, 305P, 301P. It is the further case of the petitioner that the respondents are proposing to erect High Tension Towers in Survey No.102. The sole grievance of the petitioner is that the respondents are not paying compensation to him having utilized his land for erecting towers and laying of H.T Line.

4. Respondent Nos.1 to 3 filed common counter. In order to appreciate the contention of the petitioner, it is apposite to extract hereunder the relevant portion of the counter.

“The District Collector by taking into consideration of all relevant factors fix the compensation and the AP Transco will pay the same. However, in the case on hand, the District Collector, Visakhapatnam was pleased to issue Proceedings in

Rc.No.3114/ 2014/ G1 dated 25.05.2015 fixing the compensation at Rs. 1,60,000/- lump sum for the area covered under tower and Rs.4,400/- per Metric Ton for eucalyptuses trees and also fixed compensation for trees at four times on the rate fixed for fruit bearing trees as per G.O.Ms.No.357, Revenue (LA) Department dated 23.03.2006."

5. A perusal of the counter at a glance clearly reveals that the respondents are ready and willing to pay the compensation to the petitioner in accordance with law.

6. At the time of arguments, learned counsel for the petitioner submitted that the respondents may be directed to pay the compensation within two weeks. The learned Standing Counsel sought two months time for payment of compensation.

7. In view of the submissions made by both the counsel, this Court is not inclined to go into the merits of the main case.

8. Having regard to the facts and circumstances of the case and also in view of the submissions made by both the counsel, the respondents are hereby directed to pay compensation to the petitioner, in accordance with law, as expeditiously as possible, preferably, within a period of two months from the date of receipt of copy of this order.

9. With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

13.10.2016
Rns