

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.11677 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 lands of the petitioners as being illegal and arbitrary.

2. Heard the learned counsel for the petitioners, learned Government Pleader for Energy (Andhra Pradesh) representing the first respondent and Sri N.Siva Reddy, the learned standing counsel for A.P.Transco, representing the respondents 2 and 3.

3. It is the case of the petitioners that they are the owners of different extents of agricultural lands in Survey Nos.11/4, 11/5, 11/13, 11/14, 11/15 and 11/17, 4, 21 and 10/3 of Tantadi village, Atchuthapuram Mandal and Sy.No.124, 10/B, 11/B, 12/B, 12/7B, 12/8B and 11/9B of Cheepurupalli (East), Parawada Mandal of Visakhapatnam District. It is the further case of the petitioners that the respondents herein are making hectic attempts to erect High Tension Towers and laying High Tension Line in their lands. The sole grievance of the petitioners is that the respondents are intending to erect H.T. Line without paying compensation to the petitioners.

4. Respondent Nos.1 to 3 filed common counter. In order to appreciate the contention of the petitioners, 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 petitioners in accordance with law.

6. At the time of arguments, learned counsel for the petitioners 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 petitioners, 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