

**THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**  
**WRIT PETITION No.21626 OF 2016**

**ORDER:**

This writ petition is filed seeking the following relief:

“to declare the inaction of the respondents in erection of M+6 Towers of 33 KV DCOH in agricultural lands of Acs.5-20 guntas in survey No.894/A situated at Lal Gadi Malakpet Village, Shameerpet Mandal, Ranga Reddy District, for erection of 33 KV DCOH line from 132 KV Lal Gadi Malakpet sub-station to Aliabad without giving any notice, not paying Compensation to the petitioners as per law and trespassing the petitioners property and not considering of their representations dated 27.06.2016 as illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondents to pay just compensation by change their alignment or mode of erection of the cable through underground”.

As per the averments made in the writ petition, petitioners are the owners of agricultural lands to an extent of Acs.5-20 guntas in survey No.894/A situated at Lal Gadi Malakpet Village, Shameerpet Mandal, Ranga Reddy District. The respondent-authorities without issuance of any notice and without following the procedure as mandated under ‘Works of Licensee Rules 2006’ notified under Section 176 r/w. Section 67 of the Electricity Act, 2003, have erected high tension powers of 33 KV DCOH and thereby caused damage to the petitioners without paying any compensation.

Heard the learned counsel for the petitioner as well as Sri R.Vinod Reddy, learned Standing Counsel for the respondents-Corporation.

It is not dispute that the respondents have erected 33 KV DCOH

lines from Aliabad and the lines are passed through lands of the petitioners. It is also not in dispute that the petitioners are the owners of the subject land. In normal circumstances, before entering into citizens' lands or premises, a licensee is required to obtain prior permission before commencing any work relating to erection of towers, laying of lines, etc. In the event, the citizen objects for the works being carried out by the licensee, the licensee is required to seek permission from the District Magistrate or the Commissioner of Police or any other officer authorized by the State Government for carrying out the works. The procedure is clearly set out in Rule 3 of the 'Work of Licensee Rules 2006', which is extracted below for better adjudication of the matter:

3. Licensee to carry out works.— [\(1\)](#) A licensee may—

[\(a\)](#) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or whereunder any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land;

[\(b\)](#) fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of an overhead line on any building or land or having been so fixed, may alter such support:

Provided that in case where the owner or occupier of the building or land raises objections in respect of works to be carried out under this rule, the licensee shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other officer authorised by the State Government in this behalf, for carrying out the works:

Provided further that if at any time, the owner or occupier of any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District Magistrate or the Commissioner of Police, or the officer authorised may by order in writing direct for any such works, support, stay or strut to be removed or altered.

[\(2\)](#) When making an order under sub-rule (1), the District Magistrate or the Commissioner of Police or the officer so authorised, as the case may be, shall fix, after considering the representations of the concerned persons, if any, the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier.

[\(3\)](#) Every order made by a District Magistrate or a Commissioner of Police or an authorised officer under sub-rule (1) shall be subject to revision by the Appropriate Commission.

[\(4\)](#) Nothing contained in this rule shall effect the powers conferred upon

any licensee under section 164 of the Act.

In the present case, it is an admitted fact that the procedure prescribed has not been followed by the respondents. As much as the work has already been executed, it is the duty cast on the respondents-authorities, who are organs of the State, to ensure that adequate compensation is paid to the petitioners for the damage, which they have caused by executing the works in contravention of the Rules. As it is the respondent-authorities, who have contravened the Rule, and there being a duty cast on them, there shall be a direction to the respondent-authorities, in particular to respondents 2 and 3, to cause enquiry and assess the damage, in addition to compensation, which the petitioners are entitled to be paid. Initial effort should be made to arrive at negotiable settlement. If authorities fail to arrive at the negotiable settlement, a notification under Land Acquisition, Rehabilitation and Re-settlement Act, 2013, shall be issued and damage, compensation and amounts payable as required to be assessed under the Act shall be paid to the petitioners. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order and it is the responsibility of second and third respondents to ensure compliance of this order.

Accordingly, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions pending in the Writ Petition, if any, shall stand closed.

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***Challa Kodanda Ram, J***

5<sup>th</sup> July, 2016.  
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