

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.3927 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a writ of Mandamus declaring the action of the Respondents, in making Attempts to install High Tension Pole across the Agricultural land in Nallapadu Village and Mandal, and not considering the Oral requests made by the Petitioners on 28.01.2017, requesting them to furnish the proceedings issued by the Higher authorities approving their Plan to lay the High Tension Poles through the Agricultural lands, without Consent from the Petitioners, in a forcible manner, is illegal, without mentioning any reasons and Contrary to Articles 14, 16 and 21 of the Constitution of India, and against the principals of natural justice., Contrary to Electricity Act, and consequently direct the respondents not to lay the High Tension Poles through the Agricultural lands of the Petitioners in Nallapadu Village and Mandal, Guntur District., and consequently to direct the Respondents to Pay the Compensation as per Market Value.”

2. Heard Sri S.S.N.Moorthy, learned counsel for the petitioners, learned Government Pleader for Energy for the 1st respondent and Sri N.Siva Reddy, learned standing counsel for the respondents 2 to 4.

3. When the matter is taken up, it is submitted by the learned counsel for the petitioners that the owners of adjacent lands of the petitioners filed W.P.No.2572 of 2017 before this Court and the same was disposed of on 01.02.2017 and a copy of the same is also placed on record by the learned counsel for the petitioner.

4. Paragraphs 6 and 7 of the above said order read as under:

“6. A perusal of the material available on record discloses, in clear and vivid terms, that the respondents are proceeding in accordance with law and in fact, no statutory violation could be pointed out in the writ petition, warranting interference of this Court under Article 226 of the Constitution of India. This Court is in agreement with the submission of the learned standing counsel for the respondents that the technical aspects cannot be subjected to judicial scrutiny under Article 226 of the Constitution of India. It is also the submission of the learned standing counsel for the petitioner that there is a standing crop of cotton in the subject fields and on hearing the same, it is suggested by the learned standing counsel that a representation can be made to the respondent authorities for the said grievance and the same will be considered as per law.

7. With the above observations, the writ petition is disposed of, keeping it open for the petitioners herein to make a representation as regards the existence of the standing crop in the subject lands,

within a period of one week from the date of receipt of a copy of this order and if any such representation is made, the same be considered and appropriate action be taken, in accordance with law, after putting the petitioners on notice. It is also made clear that the respondents herein shall proceed in accordance with law and as per the averments made in the counter affidavit.”

5. Following the above said order and for the reasons recorded therein, this writ petition is also disposed of in terms thereof.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

06.02.2017
SS

A.V.SESHA SAI, J

*Note: Copy of the order in W.P.No.2572 of 2017,
dated 01.02.2017, shall be annexed.*

B/o.SS