

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.10613 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed challenging the action of respondent Nos.2 and 3 in erecting 400 KV Electricity Transmission Tower in the petitioner's agricultural land in Sy.Nos.405/1, 405/3 and 413, situated at Muppalla Village and Mandal, Guntur District, without considering her objections, as arbitrary and illegal, and consequently, sought a direction to the respondents to follow the procedure prescribed under the A.P. Works of Licensees Rules, 2007 before erecting such tower.

2. In the counter affidavit filed by the Superintending Engineer, 400 KV, OMC Circle, A.P. TRANSCO at Vijayawada, on behalf of respondent Nos.2 and 3, it is stated that as far as the petitioner's land is concerned, only one Tower is coming up at location No.6/14 and all precautions were taken to lay the Tower foundation at the edge of the petitioner's land by using modern technology to avoid occupation of more space and this was done only to see that minimum space is occupied in the land of the petitioner. It is further averred that the petitioner was informed about the same through her brother – Sri D. Koteswara Rao of Narsaraopeta, who is looking after the agricultural operations in the said land and

he participated in the negotiations and he was informed about the compensation payable for tower foundation in their land. It is further stated that one-time compensation would be paid by the respondents for the Tower area, which includes the land diminution value, and for the petitioner's land, one-time compensation was fixed at Rs.1.50 Lakhs per tower by the District Collector, Guntur, vide proceedings dated 26.10.2016.

3. On the other hand, it is submitted by the learned counsel for petitioner that the respondents are laying one Tower in the middle of the petitioner's agricultural land.

4. Heard Sri N. Vijay, learned counsel for the petitioner, as well as Sri N. Siva Reddy, learned Standing Counsel, appearing for respondent Nos.2 and 3, and perused the material on record.

5. Since representation/objection dated 02.02.2017 submitted by the petitioner is pending consideration before the 3rd respondent, I deem it appropriate to direct the 3rd respondent – Superintending Engineer to consider the said representation/objection dated 02.02.2017 and pass appropriate orders in accordance with law.

6. With the above direction, this writ petition is disposed of. As a sequel, Miscellaneous Petitions pending

consideration, if any, in the Writ Petition shall stand closed.

No order as to costs.

JUSTICE A.V. SESA SAI

24.04.2017.

Msr



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Msr