

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 26974 OF 2017

ORDER:

This writ petition is filed seeking writ of *mandamus* declaring the action of the respondents 3 and 4 in interfering with the peaceful possession and enjoyment of the agricultural lands belongs to the petitioner.

It is the case of the petitioner that he is the absolute owner and possessor of agricultural land to an extent of Acs.4.31 gts of Janagama Revenue Village, Ramagundam Mandal, Peddapalli District; that he is cultivating the subject land since long time; that the respondents 3 and 4 on 04.08.2017 issued a notice under Indian Telegraph Act, 1885 stating that 220 KV power transmission line will go through the property at location No.15/15 and the compensation for the trees, crops damaged will be paid as assessed by the Revenue Department or any other competent authority; that the respondents, without following provisions of Indian Telegraph Act, without petitioner's consent taking steps to erect the transmission lines through the subject property. Aggrieved by the same, present writ petition is filed.

Counter affidavit is filed by the respondents 3 and 4 denying the averments in the affidavit filed in support of the writ petition stating that the State Government had taken up a Project known as Kaleshwaram Lift Irrigation Scheme. The power for the said project is being drawn from 400 KV Sundilla

(Yellampally), Anthargram Mandal, Peddapally District to Medigadda Pump House near Kaleshwaram. That the purpose of the said project is to lift water by pumping from Medigadda barrage to Yellampally and that for the said purpose electricity line has to be laid to provide power to the pump house. That administrative approval was accorded vide T.O.O.168, dated 08.12.2016 for erection of towers and stringing of lines and the route approval was also given by proceedings dated 21.07.2016 and already foundation of 91 towers have been completed. It is stated that notice was already issued to the petitioner informing him that the 220 KV power transmission line shall pass through the property and a tower shall also be erected for which compensation for the crop loss shall be paid as per the procedure. It is stated that there is no need to obtain consent of the petitioner as land owner, by virtue of judgments reported in **Sri K.Subba Raju vs. Executive Engineer, TLC Division, AP Transco** [2010 (4) ALD 358], **G.V.S.Rama Krishna v. A.P.Transco**, [2009 (3) ALD 343], **Devisetty Ramaswamy vs. Chief Engineer, 400 KV Line, AP Transco, Hyderabad** [2013 (4) ALD 88], **Bommi Reddy Narasimha Reddy v. Power Grid Corporation of India Ltd., Proddatur, YSR Kadapa & others** [2014 (1) ALD 697] and also order of the Hon'ble Supreme Court dated 14.12.2016 in Civil Appeal No.10951 of 2016.

Even according to petitioner, notice under Indian Telegraph Act was issued and as per the aforesaid judgments,

consent of the owner/occupier of premises affected by the laying of lines or poles, is not necessary.

After filing of the vacate petition, Sri R.Vinod Reddy, learned Standing Counsel for the respondents 2 to 4 produced letter dated 12.10.2017 addressed by the Executive Engineer to the Collector & District Magistrate, Peddapalli District stating that there are objections from the land owners like that of the petitioner. He further submits that the respondents will follow the procedure under Rule (3) of the Works of Licencees Rules, 2006 (for short 'Rules of 2006') before taking any steps for erecting powers.

Recording the submission of the learned Standing Counsel for the respondents, the writ petition is disposed of directing the respondents to follow Rule 3 of the Rules, 2006 before erecting/laying electric lines. However, the District Collector is directed to consider the application of the respondents, within a period of four weeks from the date of receipt of a copy of the order.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

A.RAJASHEKER REDDY,J

16-11-2017
kvs

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