

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.7669 of 2012

ORDER:

The relief sought for in this Writ Petition is for a mandamus to declare the action of the respondents, in laying high tension wires from Amalapuram to Razole through the petitioners lands, as illegal and arbitrary.

In the interim application, filed in WPMP.No.9721 of 2012, this Court took note of the contents of the counter affidavit filed by the Assistant Executive Engineer, TLC Division, Rajahmundry, that a 132 KV line was laid in the year 2000 itself; compensation was paid to the land owners for the loss caused due to damage to the standing crop; and the second circuit stringing works were taken up on the idle side of the existing double circuit designed towers. Thereafter the Learned Single Judge observed that, in the event stringing of conductors results in damage to any of the trees of the petitioners, they were free to claim appropriate compensation before the competent forum.

In the counter affidavit filed, on behalf of respondents, by the Assistant Executive Engineer, it is stated that compensation would be paid for damages to the standing crop as per rules, after completion of the work.

While stating that the work has since been completed, Sri N.Siva Reddy, learned Standing Counsel for the respondent – Corporation, would express ignorance as to

whether compensation has been paid to the petitioners or not. Sri V.V.Prabhakara Rao, learned Counsel for the petitioner, also expresses ignorance as to whether or not compensation was paid, after the counter affidavit was filed by the respondents.

Instead of keeping the writ petition pending on the file of this Court, ends of justice would be met if the petitioner is permitted to submit a representation to respondent No.1, furnishing details of the damage caused to their trees as a result of the cables having been laid over their lands. The Superintending Engineer shall, within four weeks from the date of such representation, consider the same in accordance with law, determine whether compensation is required to be paid, and pay the compensation so determined, within four weeks thereafter, if not already paid.

The Writ Petition is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand dismissed. However, in the circumstances, without costs.

RAMESH RANGANATHAN, ACJ

Date: 22.06.2018
 usd

