

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

I.A.No.2 of 2018 in I.A.No.1 of 2018

in

WP.No.11427 of 2018

and

WP.No.11427 of 2018

COMMON ORDER :

Heard the counsel for petitioners, Sri Zakir Ali Danish, counsel for respondent nos.1 to 3, and the learned Government Pleader for Revenue for respondent nos.4 to 6.

2. The petitioners herein have assailed the action of respondent nos.1 to 3 in intending to establish a 33/11 KV Sub-Station in Ambedkar Stadium, situate at Karimnagar, contending that there is no sufficient place for construction of such sub-station, that the proposed sub-station is adjacent to petitioners' residential houses and it is dangerous to the lives of petitioners and other neighbouring schools and hospitals. They contend that the distance between petitioners' residential houses and other residential houses with the proposed construction site is hardly a distance of two meters, and therefore, the respondents should be restrained from constructing the said sub-station in the said area.

3. They also contend that other land is available where such construction could be taken up and unless there is a 50 feet minimum distance between the residential houses of the petitioners and the proposed sub-station, construction ought not to be permitted.

4. On 13.04.2018, this Court directed the respondents to defer the construction of the sub-station in the subject land.

5. I.A.No.2 of 2018 is filed to vacate the order dt.13.04.2018, passed in I.A.No.1 of 2018 in WP.No.11427 of 2018.

6. In the counter-affidavit filed by the 2nd respondent it is contended that the Government of India had declared Karimnagar Town to be a 'Smart City' under the scheme notified by the Government of India and so construction of sub-station was proposed therein which is to be funded by the Government of India; that the Town is facing enormous power interruption due to overloading of lines, transformers and sub-stations and loss of energy is occurring, and to meet these problems it was proposed to construct a sub-station at the Ambedkar Stadium; that sanction was accorded on 06.06.2017 for the said project and the District Collector, Karimnagar was requested to allocate land; though initially land of 20 gts. in Survey No.1104 was proposed, subsequently the said proposal was altered and the present site consisting of 15 gts. was chosen on 28.04.2017 in Survey No.1104 on 15.09.2017; and that the construction of the sub-station would prevent low voltage problem to many Government Offices like Collector's Complex, Karimnagar Bus Station, Police Headquarters, etc.

7. It is contended that the norms laid down under the Indian Electricity Rules, 1956 were being followed for construction of the sub-station and proper distance mentioned therein would be

maintained; that the distance to be maintained for line conducting from residential houses in the instant case is more than six meters whereas the prescribed distance is only two meters; that the required distance as per IE Rules 1956, as amended from time to time, from building of the nearest conductor should be maintained as per I.E. 79 and E Rule 80, as follows : (a) For low and medium voltage : (i) Vertical clearance (from the highest point) – 2.5 meters, (ii) Horizontal clearance (from the nearest point) – 1.24 meters; and (b) For high voltage and extra high voltage : (i) Vertical clearance (upto 33 KV) – 3.7 Meters (12) (above 33 KV-0.3 (1) to be raised for every 33 KV line), (ii) Horizontal clearance (upto 33 KV) – 2.0 M (6 feet's) above 33 KV-0.3 (1) to be raised for every 33 KV line; accordingly considering the same, the sub-station construction was started by maintaining the proper clearances, and considering all safety measures it was also proposed to lay 4 meters width of road in between the sub-station and residential houses which leads to sub-station for control room.

8. It is contended that a retaining wall would be constructed at a distance of four meters from the compound wall, and thereafter by leaving two (2) meters distance, substation structure would be constructed, and as such, the contention of petitioner that the distance between their houses and the proposed construction is hardly two (2) meters is false.

9. It is further stated that 11 KV line poles were already existing abutting to the compound wall which was evident from the photographs filed by petitioners, and that the construction of retaining wall is with an intention to provide safety to public.

10. No reply-affidavit is filed refuting these contentions and no legal provision is shown by the petitioners contradicting the legal position pointed out in the counter-affidavit filed by the 2nd respondent.

11. I therefore do not see how the petitioners are likely to be affected by the proposed construction of 33/11 KV sub-station by the respondents in the subject land, since the construction is being done by keeping in mind the prescribed distances to provide safety to neighbours.

12. Only on the basis of apprehensions and false impressions, the present case appears to have been filed.

13. Therefore, I do not see any reason to continue with the interim order dt.13.04.2018, passed in I.A.No.1 of 2018 in WP.No.11427 of 2018.

14. Accordingly, the Writ Petition is dismissed. The order dt.13.04.2018, passed in I.A.No.1 of 2018 in WP.No.11427 of 2018, is vacated, and I.A.No.2 of 2018 is allowed. The respondents are directed to maintain the distances indicated in para no.6 of the counter-affidavit without fail while erecting the sub-station in the

interests and safety of the people living in the neighbourhood. No order as to costs.

15. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18.09.2018

Ndr/*

