

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO.13878 OF 2015

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for respondent No.3.

2. The prayer sought in the Writ Petition is as under:

“...to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the third respondent in proposing to lay 400 KV Twin Moos Double Circuit Transmission Line, Hindhuja Power Plant from Visakhapatnam to Kamavarapukota upto A. P. Transco Sub-station (Sub-station Reach-3) through the lands of the petitioners situated in Dwaraka Tirumala Mandal, West Godavari District without paying compensation to the affected lands and crops as illegal, arbitrary and violation of provisions of the Indian Telegraph Act, 1885 as well as the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consequently direct the respondents to follow the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in laying the transmission line through the lands of the petitioners.”

3. During the course of hearing, it is brought to the notice of this Court by the learned counsel for the petitioners that compensation has been paid to all the petitioners except petitioner Nos. 7 and 8. The compensation could not be paid to petitioner Nos. 7 and 8 since the valuation of the coconut and oil palm plants is not properly done. Therefore, there is delay in payment of the compensation.

4. Learned counsel for the petitioners also brought to the notice of this Court, the legal notices dated 20.4.2015 issued on behalf of petitioner Nos. 7 and 8 to the respondent No.3, which give the

details and the number of plants existing in their respective properties.

5. Per contra, respondent No.3 filed a counter affidavit stating that if the compensation is fixed by the District Collector taking into consideration all the relevant factors for fixing the compensation, respondent No.3 will pay the same.

6. On this learned counsel for the petitioners submits that since the District Collector is not having the technical proficiency and also the expertise to assess the valuation as well as the gradation of the plants existing in the property in question, an expert from the Horticulture department may be deputed to assess the valuation of the plants existing in the lands of the petitioner Nos. 7 and 8.

7. Per contra, the learned Standing Counsel appearing for respondent No.3 Corporation submitted that the amount of compensation that may be fixed by the District Collector on the recommendation of the expert of the Horticulture department, will be paid to petitioner Nos. 7 and 8.

8. Having heard both the counsel and from the perusal of the material on record, the only dispute that exists as on today is as to the valuation and gradation of the plants existing in the property of petitioner Nos. 7 and 8. As far as the other petitioners are concerned, i.e., petitioner Nos. 1 to 6 and 9 to 43, the compensation has already been paid and hence, the Writ Petition has become infructuous as far as they are concerned.

9. Since the cause is still alive vis-à-vis the petitioner Nos. 7 and 8, this Court is inclined to give a direction to respondent No.2 to depute an expert from the Horticulture department for assessing the

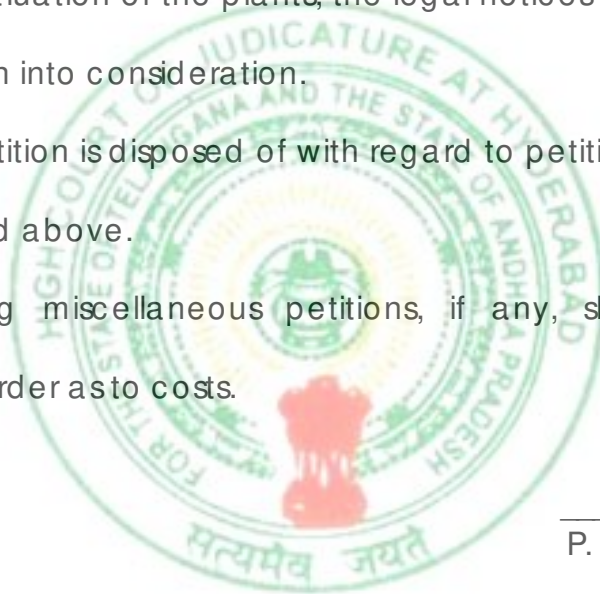
gradation as well as valuation of the plants existing in the properties of the petitioner Nos. 7 and 8 and after ascertaining the amount of compensation, respondent No.3 is directed to pay the same.

10. The entire exercise with regard to gradation and valuation of the plants existing in the properties of the petitioner Nos. 7 and 8 as well as the payment of compensation by respondent No.3 Corporation should be completed within a period of three months from the date of receipt of a copy of this order.

11. It is needless to observe that while assessing the gradation as well as the valuation of the plants, the legal notices dated 20.4.2015 may be taken into consideration.

12. Writ Petition is disposed of with regard to petitioner Nos. 7 and 8 as indicated above.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.



P. KESHA VA RAO,J

Date: 28.11.2018

KPM