

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41272 OF 2018

DATED :23.11.2018

Between :

Mahipati Rao, S/o.Late Pullaiah,
Aged about 69 yrs, R/o.Kalva Village,
Orvakal Mandal, Kurnool District & others.

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Petitioners

And

Power Grid Corporation of India Limited,
Rep., by its Chief Managing Director (CMD),
B-9, Qutab Institutional area,
Katwaria Sarai, New Delhi-110016 & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners, Sri T. Bal Mohan Reddy, learned Standing counsel for respondents 1 and 2 and learned Government Pleader for Land Acquisition for respondent No.3.

2. In the process of laying transmission line and constructing towers, the land of petitioners is utilized. Initially by order dated 21.12.2017, the District Collector passed orders fixing the land value at 15% for transmission corridor/width of Right of Way as per the Government of India norms. By order dated 22.01.2018, it is now reduced to 10%.

3. The only issue in the writ petition is whether such reduction is valid.

4. According to learned counsel for petitioners, once an order is passed fixing the compensation at 15% as referred to above, it is not permissible to reduce to 10%.

5. Learned Standing counsel submits that the Provisions of the Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act, 2013'), *per se* are not applicable for laying of towers and transmission lines by the Power Grid Corporation. However, the Government of Andhra Pradesh issued orders in G.O.Rt.No.83, Energy, Infrastructure & Investment Department dated 20.06.2017, agreeing to pay compensation for the Right of Way

also specifying various extents of width of Right of Way depending on transmission voltage. However, Government prescribed only 10% as payable and therefore, the orders of the District Collector dated 21.12.2017 are in contravention of the said order.

6. Compensation for Right of Way was paid only because of the Government decision in G.O.Rt.No.83. Having brought to the notice of the District Collector, further orders are passed rectifying the earlier mistake.

7. At this stage, learned counsel for the petitioners submits that compensation be paid as determined by them and liberty be granted to the petitioners to file application under Section 16 (3) of the Indian Telegraph Act, 1885.

8. In view of the same, the respondents are directed to release the compensation within four (4) weeks from the date of receipt of copy of this order. It is open to the petitioners to file application under Section 16 (3) of the Indian Telegraph Act, 1885, if they are not satisfied with the amount paid to them.

9. With the above observations, the Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed.

23rd November, 2018
Rds

P.NAVEEN RAO,J