

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.846 OF 2019

DATED :24.01.2019

Between :

Pala Lakshman Goud, S/o.Chitha Goud,
Age 58 yrs, R/o.Venkatrapeta Village,
Thoguta Mandal, Siddipet (Erstwhile Medak)District.
.. Petitioner

And

State of Telangana,
Rep., by its Principal Secretary,
Energy Department,
T.S. Secretariat buildings, Hyderabad & others.
.. Respondents

This court made the following :

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ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Energy for respondents 1 and 2, learned Government Pleader for Revenue for respondents 6 and 7 and Sri R.Vinod Reddy, learned Standing counsel for respondents 3 to 5.

2. Petitioner claims to be the owner of land to an extent of Ac.4-20 cents in Sy.No.42/E of Venkataopeta Village, Thoguta Mandal. The Transmission Corporation proposed for laying of 400 kV line for extending supply from the existing kV SS Narsapur Sub-Station to proposed kV SS Tukkapur Sub-Station under Kaleswaram Lift Irrigation Scheme. A survey was conducted on the route to lay transmission lines and the route was approved by group of engineers in July, 2016. The total length of the line is 55.14 Kms. Contract was awarded for laying the transmission lines. It appears, out of 159 towers required to be completed for laying of transmission lines, 155 towers were erected and stringing completed for 38 Kms.

3. According to learned Standing Counsel for the respondent-Transmission Corporation, on both sides of the petitioner's property foundation and erection of towers was completed in full shape. Foundation work for one tower coming up on the petitioner's land was also completed. Petitioner contends that the Transmission line is passing through middle of his property and therefore, it would be affecting its use and monetary value, as the transmission tower is coming in the midst of the property.

Therefore, petitioner requested for shifting of transmission line from the proposed place to the corner of his property. Alleging that inspite of specific request made by the petitioner, the location of transmission tower on the petitioner's land is not changed, this writ petition is filed.

4. The material on record would disclose that on 16.01.2018 petitioner was informed that the transmission line will be passing through his property and that tower would be coming in his property. Petitioner was also informed by the Assistant Executive Engineer, a copy of which is enclosed as Ex.P.3, that it is not possible to change the location of tower No.31/8 as the adjacent towers were already constructed.

5. By placing reliance on the provisions of Indian Telegraph Act (for short 'the Act'), learned counsel for the petitioner sought to contend that to the extent possible the private property should be saved and location of transmission towers should not cause damage to the property and to the extent possible the damage should be minimal. But without following the provisions of the Act and without acceding to the request of petitioner, transmission line is being laid in the midst of the property affecting his property.

6. As contended by learned Standing counsel, on instructions, that majority of execution of work is completed and laying transmission lines and towers on either side of the property of petitioner were already completed. At this stage, changing alignment is not possible only to accommodate the petitioner. The petitioner cannot assume that within his property, even if the location of transmission line is changed, it

would not affect overall alignment and the properties of neighbours.

7. Today the officers of Transmission Corporation are present. The sketch map is also produced before this Court.

8. According to learned Standing counsel, even a small change of alignment would have implications of changing the alignment of towers in the adjacent properties also and it is not technically feasible to undertake the change of alignment, more so, when majority of the work is completed.

9. As noticed above, petitioner was informed of laying of transmission line through his property in January, 2018. He kept quiet and at the last minute when majority of the work is already executed, he came before this Court seeking direction to the respondents to change the location of transmission tower on his property to the corner of his property. Since majority of the work is already completed, no such direction at this stage can be granted as consequences are more serious compared to loss caused to petitioner. The writ petition is liable to be dismissed.

10. Accordingly, the Writ Petition is dismissed. However, it is needless to observe that petitioner is entitled to compensation on the land covered by transmission line as well as any damage caused to the property of petitioner, while laying the transmission line. The compensation shall be determined and paid to the petitioner within four (4) weeks from the date of receipt of copy of this order. Pending miscellaneous petitions shall stand closed.

24th January, 2019
Rds

P.NAVEEN RAO,J