

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 2599 of 2019

Date : 13.2.2019

Between:

Daram Pothanna Vijay S/o Daram Gangaram
Aged about 66 years Occ Agriculture R/o H No 1214197/505
Janapriya Villa Apartments Near Ram Theatre Lala Pet
Secunderabad 500 017

Petitioner

And

The State of Telangana
Rep by its Principal Secretary Energy Department Secretariat
Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Energy, Learned Government Pleader for Revenue and learned Standing Counsel for Transco and with their consent, the writ petition is taken up for disposal at the admission stage.

2. Petitioners claim to be small farmers and owners of land admeasuring Ac.6.27 cents each in survey nos. 77/2P1 and 77/2P2 to an extent of Ac.1.75 cents Jankampet village, Edpally mandal, Nizamabad district. That earlier they parted with portion of their land for laying road from Basara to Nizamabad; installation of high power tower in their land and for irrigation canal, without payment of any compensation. Notice dated 29.1.2019 was issued informing the petitioners that high power transmission lines will pass through their land and if there is any damage to the existing crop or trees, compensation for the yield component of the trees and crop would be paid. Aggrieved by the said notice, this writ petition is filed.

3. Laying of transmission lines is governed by the Indian Telegraph Act, 1885 and Electricity Supply Act, 1948, and the entire gambit of 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013)' is not attracted. Laying of transmission lines require preliminary exercise of identification of contours of transmission lines, identification of place where towers will be erected and other parameters. Only after completion of the survey and identification of contractor, the physical exercise would be undertaken. By the time notice is issued, all this exercise was completed. It may be true that petitioners' land was also

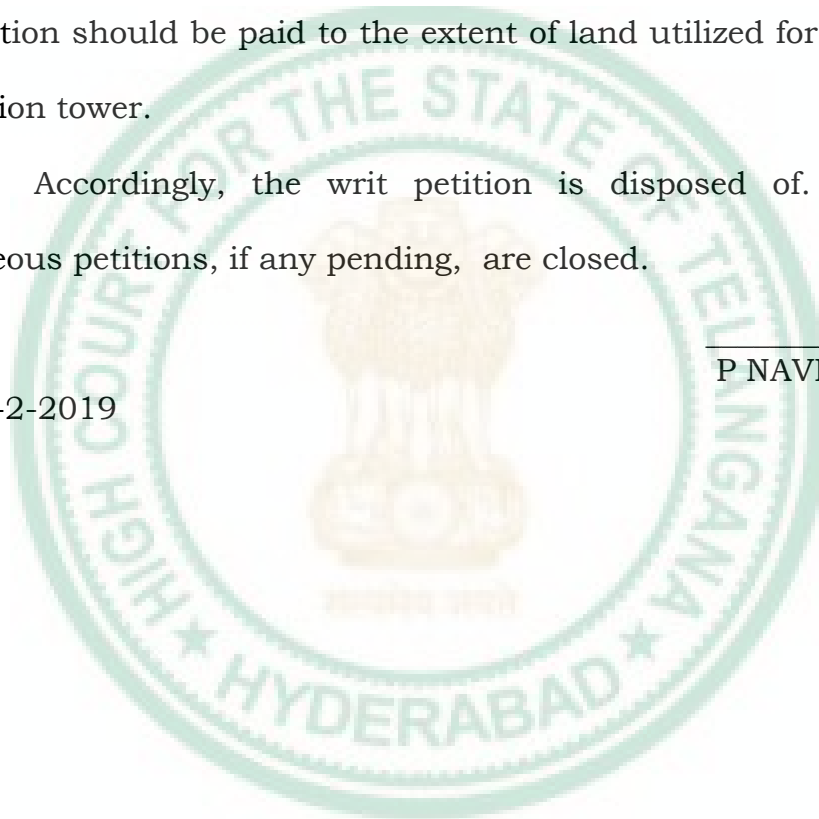
affected earlier for the purpose of laying of road and high power transmission lines and for irrigation canal, but on that ground, no direction can be issued to re-determine the contours of transmission lines with reference to the property of the petitioners, more so, at this stage.

4. Thus, the relief as sought in the writ petition cannot be granted. However, it is needless to observe that to the extent of damage caused to the existing crop or damage to trees, compensation should be paid to petitioners on due assessment of the damage caused. Similarly, if a transmission tower is to be laid on the land of petitioners, the compensation should be paid to the extent of land utilized for erection of transmission tower.

5. Accordingly, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 13-2-2019
TVK

P NAVEEN RAO,J



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