

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4757 OF 2019

ORDER:

This writ petition is filed for the following relief:

“.....Writ of Mandamus declaring the action of the respondents in not taking any action for payment of compensation to the petitioner in the light of the report submitted by the 4th respondent to the 2nd respondent in his report No.B/40/2015 dated 28.4.2016 confirming that the Mango Garden raised in the land to an extent of Ac.8-00 gts and the remaining land of Ac.8-01 gts has become fallow even though earlier the petitioner used to raise paddy crop with the aid of Tube Well in Sy.No.167 of Sircilla by the high handed and illegal acts of the 6th respondent in consequence to supply of power to it by the 5th respondent for crushing operation by laying the lines a midst of the aforesaid land even without taking recourse to acquisition or requisition proceedings, as being illegal, arbitrary and in violation of General Terms & Conditions of supply of the 5th respondent, apart from Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to forthwith pay the compensation to the petitioner for the loss sustained by her.....”

The sum and substance of the petitioner's grievance is that due to dust evolving from the stone crushing unit established by the 6th respondent, the Mango garden belonging to the petitioner stopped yielding and thereby he suffered huge losses. It is the contention of the petitioner that the 5th respondent i.e., the Cooperative Electric Supply Society Ltd., ought not to have provided power supply to the 6th respondent by laying high tension lines from midst of her land. It is also the further assertion of the petitioner that since the 5th respondent laid high tension lines through her land to provide power supply to the stone crushing unit of the 6th respondent, she suffered losses and hence, she is entitled for damages.

Heard learned counsel for the petitioner and learned counsel appearing for the 5th respondent.

Having gone through the pleadings as well as material placed before this Court, it is to be noted, no assessment of damages can be done in a writ petition as there is no material basing on which the damages can be assessed and directed to be paid. In a case of this nature, where particularly relief claimed is for damages, on account of the acts of the 6th respondent, the Civil Court is the proper forum for assessment of damages, if any. So far as the assertion of the petitioner that Electricity Department has laid high tension lines through her land is concerned, neither particulars were mentioned in the writ affidavit nor the person who allegedly had laid poles in her land, is made party to this writ petition. Though reliance is placed by the petitioner on the General Terms and Conditions of supply of the Transmission Corporation of Telangana Limited, the entire affidavit of the petitioner lacks proper pleadings even for considering to the limited extent of the damages alleged to have suffered by her on account of laying high tension lines in the land by the transmission Corporation.

In those circumstances, the writ petition is dismissed. However, liberty is given to the petitioner to approach appropriate forum with proper particulars so as to enable her to claim damages alleged to have suffered on account of the acts of the 6th respondent. No order as to costs.

Miscellaneous petitions pending in the writ petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 20.03.2019.

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Dated : 20.03.2019

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