

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21319 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring action of the respondents 1 to 5 in erecting the electrical pole into the plot in Sy.No.214 part, admeasuring 124 sq. yds. or 103.67 sq. mts. situated at Rallaguda village Shamshabad Mandal, Ranga Reddy District, belonging to the petitioner is illegal, arbitrary and violation of Article 300-A of the Constitution of India and consequently direct the respondents 1 to 5 to remove the electrical pole laid in the petitioner's land plot in Sy.No.214 part, admeasuring 124 sq. yds or 103.67 sq. mts situated at Rallaguda Village, Shamshabad Mandal, Ranga Reddy District”.

Heard Mr.M.Shankar, learned counsel for the petitioner and Sri R.Vinod Reddy, learned Standing Counsel for the respondents.

It has been contended by the petitioner that the respondents have installed electric pole in his land and he has been frequently making representations to the respondents to shift electric pole. But, the respondents are not shifting the said electric pole and on the other hand, they are insisting him to pay Rs.51,000/- for removing the said electric pole. Therefore, the action of the respondents in installing the electric pole in his land without obtaining any permission, is arbitrary and illegal.

Learned counsel appearing for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner and remove the electric pole installed in the petitioner's land.

Learned Standing Counsel appearing for the respondents contends that the electric pole was erected very long back i.e., even before the land was plotted and the respondents have no

objection to shift the electric pole, provided the petitioner pays a sum of Rs.51,000/-, since for shifting of an electric pole, the respondents have to install two electric poles. If the petitioner pays the said amount, the respondents would shift the electric pole from the land of the petitioner to some other place. He further submits that the petitioner be directed to submit a representation afresh to the respondents requesting for shifting of electric pole and also expressing his difficulties in paying the amount as demanded by the respondents and on such representation being received, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order requesting to shift the electric pole from his land without collecting any charges. Upon such representation being received, the respondents would consider the same and pass appropriate orders in accordance with law within a period of eight weeks thereafter.

With the above observations, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 28-01-2020
Prv

