

THE HON'BLE JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NOS. 25430 & 28672 OF 2022

COMMON ORDER: (ORAL):

Heard Mr. Rapolu Bhaskar, learned counsel for the petitioners, and Mr. Sarang Afzulpurkar, learned counsel for respondent No.6.

2. The grievance of the petitioners is that the respondents are not initiating the proceedings for acquisition of the land to an extent of Ac.2.00 gts in Sy.Nos.360, 362/A & 359/U/1 situated at Kadthal Revenue Village, Kadthal Mandal, Ranga Reddy District, belonging to the petitioner in W.P.No.25430 of 2022, and the land to an extent of Acs.2.22 guntas in Sy.No.471/E1, Ac.0.20 guntas in Sy.No.469/A1, Ac.0.15 gts in Sy.No.469/E1, Ac.0.17 guntas in Sy.No.469/RU2 and Ac.0.15 guntas in Sy.No.470/E situated at Chivvemla Revenue Village, Chivvemla Mandal, Suryapet District (erstwhile Nalgonda District), belonging to the petitioner in W.P.No.28672 of 2022, and for payment of compensation in respect of the said lands as per the market value.

3. It is stated by the petitioners that respondent No. 4 has offered to pay compensation at the rate of Rs.14,00,000/-per

acre, which is meagre. The lands in the same vicinity are sold on square yard basis at the rate of Rs.20,000/- to Rs.30,000/- per square yard in the open market. Respondent No. 6 has started laying high tension lines from Warora to Kurnool. The land to an extent of Ac.0.10 guntas belonging to the petitioner in W.P.No.25430 of 2022 was occupied for erecting transmission towers, due to which he would not only face problems in cultivating the remaining land, but even for construction of house, he has to maintain minimum distance of 200 meters; otherwise it would endanger his life and also the life of his neighbouring land owners.

4. It is further stated that the transmission lines are also passing through the lands of the petitioners, apart from the land to an Ac.0.10 guntas belonging to the petitioner in W.P.No.25430 of 2022 being occupied by respondent No. 6 for erection of transmission towers. The respondents are bound to initiate acquisition proceedings under the provisions of the Right to Fair Compensation and Transparency, Rehabilitation and Resettlement Act, 2013 and unless compensation is paid, the respondents cannot be permitted to go ahead with erection of towers and lines.

5. Learned counsel for respondent No. 6 submitted that identical issue fell for consideration in W.P.No.32681 of 2022. In the said writ petition, *vide* order dated 08.09.2022, the learned single Judge, taking the provisions of Section 164 of Electricity Act, 2003 and Section 10 of the Indian Telegraph Act, 1885 (for short, 'the Act'), into consideration, held that no notice is required to be given to the land owner for initiation of land acquisition proceedings as per Section 10(d) of the Act, and at the best, the land owner would be entitled for compensation if his/her property is damaged while laying the transmission lines. Further, it was observed that the claim of the land owner would arise only after laying of the lines is completed. Learned counsel also relied on another order of this Court in W.P.No.8333 of 2022, dated 29.04.2022, wherein similar observations were made. It is also contended that if the petitioners are aggrieved by the quantum of compensation and are not satisfied with the land value fixed at Rs.14,00,000/- per acre determined by the respondents, they have a remedy under Section 16(3) of the Act by filing an application before the concerned District Court seeking enhancement of compensation.

6. In view of the above and as the issue raised in these writ petitions is squarely covered by the order dated 08.09.2022 in W.P.No.32681 of 2022, in terms thereof, following the same, these writ petitions are disposed of. The respondents are directed to ensure that minimal damage is caused to the petitioners while erecting transmission towers in the lands of the petitioners or while passing transmission lines through the lands of the petitioners.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

Date: 21.09.2022
V V/AQS

B. VIJAYSEN REDDY, J

THE HON'BLE JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NOS. 25430 & 28672 OF 2022

21.09.2022

VV/AQS