

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.10612 OF 2023

ORDER:

The present Writ Petition is filed, under Article 226 of the Constitution of India, seeking the following relief:

“to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.2 to 7 in erecting the 450 KV DC electrical line from Pinapuram Water current to Sakumal Solar Project through the petitioners agriculture lands (details given in annexure) without following due process of law and without paying compensation as illegal, arbitrary and violation of Article 14 and 300-A of the Constitution of India and in violation of the Indian Telegraph Act, 1885 and consequently direct the respondents not to interfere with the petitioners' agricultural lands (details given in annexure-1) situated in Kalva village and Hussainapuram village, Orvakal Mandal, Kurnool District and pass such other order or orders....”

2. Heard Sri K.Devi Prasanna Kumar, learned counsel for the petitioners, Sri Shreyas Reddy, learned Government Pleader attached to the office of the learned Advocate General for respondent No.1, learned Assistant Government Pleader for Revenue appearing for respondent Nos.2 and 3, Sri K.Anoop Koushik, learned standing counsel for respondent Nos.4 to 6 and Sri V.R.Reddy Kovuri, learned standing counsel for APSPDCL appearing for respondent No.7.

3. When the matter is taken up for consideration today, Sri V.R.Reddy Kovuri, learned counsel for respondent No.7

submitted that, the Revenue Divisional Officer fixed compensation under proceedings dated 26.04.2023, which includes the petitioner's lands also, following the same principle as followed in the proceedings dt.28.04.2022. He further submitted that, respondent No.7 is ready to pay enhanced rate fixed by Revenue Divisional Officer to 85% per cent and he is ready and willing to deposit the amount in lumpsum forthwith. He further submitted that similarly situated persons like that of the petitioners have agreed to accept the said compensation/damages. He further submitted that in similar circumstances, this Court passed order dated 12.05.2023 in Writ Petition No.12523 of 2023 and prayed to consider this Writ petition in the same lines.

5. On the other hand Sri K.Devi Prasanna Kumar, learned counsel for the petitioners submitted that, a direction may be given to respondent No.7 to deposit the said amount with the District Collector by fixing some time and further liberty may be given to the petitioners to make a representation to the District Collector for disbursement of the compensation amount and on such submission of representation, a further direction may be given to the District Collector to dispose of the said

representation within a time bound as fixed by this Court and prayed to pass orders in that regard.

6. On the other hand, learned Government Pleader attached to the office of the learned Advocate General representing the Revenue authorities reported no objection. He further submitted that, the District Collector will dispose of the petitioners' representation so made in a time bound fixed by this Court.

7. Considering the material available on record and submissions of both the learned counsel with their consent, this Court is inclined dispose of the Writ Petition with the following direction:

Respondent No.7 is hereby directed to deposit the entire compensation/damages amount before the concerned authority i.e., District Collector-respondent No.2 within a period of one (1) week from today. At the same time, the petitioners are at liberty to make an appropriate representation to respondent No.2-District Collector seeking payment of compensation/damages to his lands. On such deposit made by respondent No.7 and on representation so made by the petitioners, respondent No.2-District Collector is hereby directed to act upon the same and disburse the amount to all the parties concerned within a period of two (2) weeks thereafter. However, this arrangement does not

come in the way of the petitioners in seeking any enhancement. This order shall not preclude the respondent No.7 from establishing the towers in accordance with law.

8. Accordingly, the Writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any, in the writ petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

12.05.2023

C.C by 15.05.2023

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