

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.14860OF 2023

ORDER:

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

“ to issue an appropriate writ or order or orders more particularly, one in the nature of Writ of Mandamus, declaring the action of Respondents in constructing electrical tower and lines on the property of the petitioner in Survey No.183 and 184 of Pynampuram Village, Mathukur Mandal, SPSR Nellore District without determination and payment of just compensation as unjust, arbitrary, illegal and violative of provisions of Constitution of India and consequently direct the respondents to determine and pay compensation for the land of the petitioner to be utilized by the respondents immediately and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. The short grievance of the petitioner is that, the authorities, without determining compensation payable to the petitioner, are erecting towers and laying lines in the petitioner's property, as such the present Writ Petition is filed.

3. Heard Sri Panini Somayaji, learned counsel for the petitioner, Sri Anup Koushik Karavadi, learned Standing Counsel for APTRANSCO (R2 to R4), learned Assistant Government Pleader for Energy Department (R1) and learned Government Pleader for Revenue (R5)

4. The learned Counsel for the petitioner submitted that the respondent authorities are laying electric towers and lines in the property of the petitioner without determining compensation to be paid to the petitioner, as such the present Writ Petition is filed and prayed to pass orders in that regard.

He further submitted that, it would suffice for the time being, if the District Collector entertains the petitioner's representation for determination of compensation to the petitioner's land and a direction to the said effect may be passed, without going into the merits of the case.

5. On the other hand, the learned Standing Counsel for respondent- Corporation submitted that, the representation so placed on record is not made to the Collector and as per Section 13 of Telegraph Act, the Collector is the competent authority to determine the compensation and if the petitioner submits fresh representation to the Collector, it would be considered and appropriate orders will be passed.

6. In reply to the same, the learned Counsel for the petitioner requested to give liberty to the petitioner to submit a representation to the Collector and time bound may be fixed for disposal of the said representation.

7. To the said submission, learned counsel for the respondents reported no objection.

8. Taking their submissions into consideration and as there is no purpose in keeping this Writ Petition pending, this Court is inclined to dispose of the Writ Petition with the following direction:

i) The petitioner is at liberty to make a representation to the District Collector, SPSR Nellore District, the 5th respondent herein, within a period of two (02) weeks from the date of receipt of a copy of this order.

ii) On such representation, the District Collector SPSR Nellore District is directed to consider and dispose of the same as per the law, after giving an opportunity of hearing to the petitioner and communicate the same to the petitioner within a period of eight (08) weeks thereafter.

Accordingly, the Writ Petition is **disposed of**.

There shall be no orders as to costs.

Miscellaneous applications, pending if any, shall stand closed.

04th July, 2023

GBS/SCH

JUSTICE RAVI CHEEMALAPATI