



IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE NINALA JAYASURYA

WRIT APPEAL No. 303 of 2021

(Taken up through video conferencing)

K. Subrahmanyam, S/o Subba Rayudu,
aged about 46 years, S.V.Nagar,
Rajampet, YSR Kadapa District
and another

.... Appellants/
Writ petitioners

Versus

The State of Andhra Pradesh, Energy
Department, Secretariat Building, Velagapudi,
Guntur District, rep. by its Principal
Secretary, and others

.... Respondents

Counsel for the appellants : Mr. V.V.N. Narayana Rao

Counsel for the respondents : Mr. Y. Nagi Reddy

Date of Hearing : 25.08.2021

Date of Pronouncement : 17.09.2021

JUDGMENT

(Per Ninala Jayasurya, J)

Aggrieved by the order dated 03.05.2021 passed by the learned Single Judge in dismissing W.P.No.7793 of 2021, the present appeal is instituted by the writ petitioners.

2. Heard Mr. V.V.N. Narayana Rao, learned counsel for the appellants/writ petitioners. Also heard Mr. Y. Nagi Reddy, learned Standing Counsel for the respondents.



3. The writ petition is filed challenging *inter alia* the action of the respondents in trying to lay a transmission line through the 1st writ petitioner's land situated in Sy.No.368 of Kuchivaripalli Village, Rajampet Mandal, Kadapa District, as highly illegal, arbitrary and in violation of Articles 14 and 300-A of the Constitution of India and also contrary to the Andhra Pradesh Works of Licensees Rules, 2007 as enumerated in G.O.Ms.No.24, Energy (PR-II) Department, dated 27.02.2007, apart from violation of principles of natural justice.

4. The writ petitioners filed an affidavit in support of their case stating that the 1st writ petitioner is the owner of agricultural land of an extent of Acs.5.60 cents in Sy.No.368 and in various survey numbers of Kuchivaripalli Village, Rajampet Mandal, Kadapa District, and the 2nd writ petitioner, who is his wife, is the owner of an extent of Acs.9.58 cents in Sy.No.369 of the same village. In order to develop their land, it is stated that they made an application to the Competent Authority under the Land Conversion Act to convert the land from agricultural land to non-agriculture, and on payment of requisite fees, the land was converted into non-agriculture.

i) While so, it is stated that when the 5th respondent proposed to lay a transmission line from 220 KV SS-Rajampeta to 132 KV SS-C.Orampadu through the 1st writ petitioner's land and pegged the lines, it was objected to by him and thereupon, the 5th respondent issued a notice dated 01.03.2021 under Sections 68 and 164 of the Electricity Act, 2003 (for



short “the Act”). While stating that the said action is high handed, illegal, arbitrary and contrary to the Andhra Pradesh Works of Licensees Rules, 2007 (hereinafter referred to as “the Rules”) framed by the 1st respondent *vide* G.O.Ms.No.24 dated 27.02.2007 in particular sub-rule 2 of Rule 3, it is pleaded that as per the said Rule, when the owner or occupier of the land raises any objection in respect of the works to be carried out, the licensee shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other Officer authorized by the State Government in that behalf. Since no such permission was obtained as contemplated under the Rules in the light of the objections by the petitioners, it is stated that the action of the respondents amounts to violation of principles of natural justice, apart from violative of the rights of the writ petitioners guaranteed under Articles 14 and 300-A of the Constitution of India. Placing reliance on the decision of a learned Single Judge of the High Court of Telangana in W.P.Nos.4503 of 2019 and 5873 of 2019 dated 22.04.2019, it is further pleaded that in similar circumstances, the action taken by the respondents therein without complying with the said Rules was found fault with and the said order squarely applies to the facts of their case.

5. A counter-affidavit was filed by the 5th respondent on behalf of respondent Nos.2 to 5 wherein it is stated *inter alia* that in exercise of the power conferred under Section 164 of the Act (Central Act No.36 of 2003), the Government of Andhra Pradesh *vide* G.O.Ms.No.115, Energy Department, dated 07.10.2003 conferred upon the Transmission



Corporation of A.P. Limited, the Transmission and Bulk Supply Licensee in the State of Andhra Pradesh, the powers for placing of electric supply lines or electric plant for transmission of the electricity or for the purpose of Telephonic or Telegraphic Communications necessary for the proper co-ordination of works that a Telegraphic authority possess under the provisions of the Indian Telegraphic Act, 1885 (Central Act No.13 of 1885). It is further stated that the A.P. Transco accorded administrative approval for erection of 132/33 KV Sub-Station at Chinna Orampadu and 132 KV DC/SC Line from 220/132 KV SS-Rajampeta to the proposed 132/33 KV SS-C.Orampadu on 03.04.2013, that the scheme was published in the A.P. Gazette dated 29.01.2015 and in the daily news papers dated 29.10.2014 inviting objections to the proposed lines, and that no objections were received from anybody including the writ petitioners in respect of the said work. It is stated that after the alignment was fixed, total number of 99 towers were proposed for the said line and only one tower is being erected in the writ petitioners' land and further that out of the works in respect of 99 towers, 90 towers were already completed, including the line works. It is further averred that the Indian Electricity Act was repealed and in its place, new statute i.e., the Electricity Act, 2003 was enacted and there is no provision to obtain prior consent even from owners of private property for laying electricity lines. Relying on the decisions of the Hon'ble Apex Court in (2007) 6 SCC 792, (2008) 11 SCC 476 and (2017) 5 SCC 143 etc., the action on the part of the respondents was sought to be justified on the premise that the said



decisions support the power of the electricity companies to lay towers and lines, without prior consent of the owners. It is also specifically asserted that the writ petitioners never submitted any written representations, but orally requested the authorities to change the proposed line, and since the request of the writ petitioners is technically not feasible and viable, the same was not considered. While emphasising that the entire works were undertaken by the respondents to cater the needs of the public and consumers at large in order to transmit the electricity to the end consumer and that more than Rs.20.00 crores were invested for carrying out of works in order to lay the towers, a prayer is made to dismiss the writ petition.

6. Considering the rival contentions, with reference to the relevant provisions of law under the Act and the Rules framed by the 1st respondent in G.O.Ms.No.24 dated 27.02.2007 and the legal position as laid down in various judgments of the Hon'ble Supreme Court in ***Power Grid Corporation of India Limited Vs. Century Textiles and Industries Limited***, reported in (2017) 5 SCC 143, ***Century Rayon Limited Vs. IVP Limited***, reported in AIR 2020 SC 1923 as also a decision in ***Devisetty Ramaswamy Vs. Chief Engineer, A.P. Transco***, reported in 2013 (4) ALT 616, the learned Single Judge dismissed the writ petition *vide* order dated 03.05.2021.

7. Assailing the said order, Mr. V.V.N. Narayana Rao, learned counsel for the appellants/writ petitioners, while placing strong reliance on the



Rules framed by the 1st respondent *vide* G.O.Ms.No.24 dated 27.02.2007, emphatically submits that the action of the respondents is not sustainable in law mainly only three grounds viz., (i) no consent of the land owner was obtained in terms of sub-rule 2 of Rule 3 of the Rules, though the writ petitioners had raised objections, (ii) there is no written order issued by the Government in terms of Section 164 of the Act conferring power for placing of electric lines, and (iii) the issue in question is squarely covered by the orders dated 22.04.2019 passed by a learned Single Judge of the High Court of Telangana in W.P.Nos.4503 of 2019 and 5873 of 2019.

i) In elaboration, the learned counsel submits that the 1st respondent in exercise of powers conferred under Section 180 r/w Section 67 (2) of the Act issued G.O.Ms.No.24 dated 27.02.2007 framing the Rules in respect of works of licensees. The relevant rules read thus:

“ 3. Licensee to carry out works:-

(1) A licensee may-

(a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or whereunder any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land;

(b) fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of an overhead line on any building or land or having been so fixed, may alter such support.

(2) Provided that in case where the owner or occupier of the building or land raises objections in respect of works to be carried out under this rule, the licensee shall obtain permission in writing from the District Magistrate or the



Commissioner of Police or any other Officer authorised by the State Government in this behalf, for carrying out the works.

(3) Provided further that if at any time, the owner or occupier or any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District Magistrate or the Commissioner of Police, or the Officer authorised may by order in writing direct for any such works, support, stay or strut to be removed or altered.

(4) When making an order under sub-rule (1), the District Magistrate or the Commissioner of Police or the Officer so authorised, as the case may be, shall fix, after considering the representations of the concerned persons, if any, the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier.

(5) Every order made by a District Magistrate or a Commissioner of Police or an authorised Officer under sub-rule (1) shall be subject to revision by the Commission.

(6) Nothing contained in this rule shall affect the powers conferred upon any licensee under Section 164 of the Act.”

The learned counsel submits that as is explicit from the said Rules framed by the Government, if the owner or occupier raises any objections, the respondents shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other Officer authorised by the State Government in that behalf, and since no such permission was obtained despite raising objections, the action of the respondents is contrary to the Rules. Further, the appropriate Government in terms of Section 164 of the Act is required to issue an order in writing, authorising any public Officer or licensee to place the electric lines or electric poles as proposed. He submits that in the present case, no such order was issued by the Government, in writing, for erecting the electric poles through the



writ petitioners' land, and in the absence of the same, the action of the respondents is wholly arbitrary and illegal. He contends that the Rules are mandatory in nature and Section 164 of the Act does not in any way take away or eclipse the legal requirement of obtaining consent of the owner when objection is raised for carrying out of works by the respondents. He also submits that there is no inconsistency in the Rules framed by the Government in exercise of the powers conferred under Section 180 r/w Section 67(2) of the Act with the other provisions of the Act viz., Section 164. He further contends that the learned Single Judge failed to appreciate these aspects in a right perspective and went wrong in dismissing the writ petition. He also contends that an identical issue fell for consideration in ***T. Sudhakar Reddy Vs. The State of Telangana and Patel Steel & Cement Agencies Vs. The State of Telangana*** (W.P.Nos.4503 and 5873 of 2019) wherein a learned Single Judge of the High Court of Telangana, after considering Section 164 of the Act *vis-a-vis* the Rules *inter alia* held that Rule 3 of the Rules has statutory force of law and must be followed by the respondents. The learned counsel, while drawing the attention of this Court to the relevant paragraphs of the said order, further submits that in the instant case, the learned Single Judge instead of appreciating that the case of the writ petitioners is on the same footing and as such, they are entitled to the benefit of the said order, committed an error in not considering the same favourably. Accordingly, he submits that the order under appeal is liable to be set aside.



8. Mr. Y. Nagi Reddy, learned Standing Counsel for the respondents, contradicting the contentions raised by the learned counsel for the appellants/writ petitioners, submits that there is no dispute with regard to framing of the Rules by the 1st respondent. He submits that if a notification was issued under Section 67 of the Act, Works Licensee Rules, 2007 shall apply, but when it was given in exercise of the powers under Section 164 of the Act, there is no requirement to follow the Rules. It is his submission that earlier, the Central Government framed similar Rules in the year 2006 and the same fell for consideration before the Hon'ble Supreme Court and it was opined that once a notification under Section 164 of the Act was issued, there is no need to follow the Rules framed in terms of Section 67 of the Act. He places reliance on the judgments of the Hon'ble Supreme Court in *Power Grid Corporation's* case and *Century Rayon's* case etc., referred to supra, and further submits that the learned Single Judge has rightly distinguished the orders dated 22.04.2019 passed by a learned Single Judge of the High Court of Telangana in W.P.Nos.4503 and 5873 of 2019 on which reliance was placed by the learned counsel for the appellants/writ petitioners. Supporting the order of the learned Single Judge on the strength of the decisions referred to in the order under appeal, the learned Standing Counsel for the respondents submits that there are no merits warranting interference with the order passed by the learned Single Judge.

9. Before dealing with the merits of the contentions raised by the respective counsel, it may be appropriate to note that there is no denial



with regard to issuance of notification regarding the proposals for erection of transmission lines as proposed by the respondents and that as many as 90 poles were erected for the purpose of laying electric line. It is also not in dispute that after issuance of a notice dated 01.03.2021 by the respondents exercising the powers under Sections 68 and 164 of the Act r/w Telegraphic Act, 1885 and CEA (Safety and Electricity Supply) Guidelines, 2010, the writ petitioners have not made written objections, except oral.

10. Section 164 of the Act, which is relevant in the present context, reads thus:

“164. Exercise of Powers of Telegraph Authority in certain cases – The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885 (13 of 1885), any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.”

11. A reading of the said Section makes it clear that the appropriate Government may, for placing of electric lines or an electric plant for transmission of electricity or for the purpose of telephonic or telegraphic communications, confer upon any public officer or licensee or any other



person engaged in the business of supply of electricity under this Act, any of the powers of the telegraph authority.

12. No doubt, as pointed out by the learned counsel for the appellants/writ petitioners that the Rules were framed in exercise of the powers under Section 180 (2) (b) r/w Section 67(2) of the Act. However, sub-rule 6 of Rule 3 of the Rules contemplates an exception in the following terms:

“Rule 3(6) – Nothing contained in this Rule shall affect the powers conferred upon any licensee under Section 164 of the Act.”

13. In the present case, a notice was issued under Section 164 of the Act, and in view of the specific exception as laid down under sub-rule 6 of Rule 3 of the Rules, the contention advanced by the learned counsel for the appellants/writ petitioners that the action of the respondents in proceeding with the works without obtaining the consent of the writ petitioners or obtaining permission under sub-rule 2 of Rule 3 of the Rules from the District Magistrate or the Commissioner of Police or any other Officer authorised by the State Government, is not sustainable. Though the learned counsel contends that the Rules are mandatory in nature, it is settled law that Rules are subservient to the provisions of the Act. Since the Rules themselves provide an exception as mentioned supra, the requirement of obtaining permission pales to insignificance. In such view of the matter, the contentions advanced in this regard by the learned counsel for the appellants are liable to be rejected.



14. Further, the learned Single Judge dealt with the said contentions in his elaborate order and held thus:

“12. Rule 3 of G.O.Ms.No. 24, dated 27.02.2007, contemplates that a licensee may (a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, where over or where under any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land; (b) fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of an overhead line on any building or land or having been so fixed, may alter such support; Provided that in case where the owner or occupier of the building or land raises objections in respect of works to be carried out under this Rule, the licensee shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other office authorized by the State Government in this behalf, for carrying out the works. Provided further that if at any time, the owner or occupier or any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District Magistrate or the Commissioner of Police, or the officer authorized may by order in writing direct for any such works, support, stay or strut to be removed or altered. When making an order under sub rule (1), the District Magistrate or the Commissioner of Police or the officer so authorised, as the case may be, shall fix, after considering the representations of the concerned persons, if any, the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier. Every order made by a District Magistrate or a Commissioner of Police or an authorised officer under sub rule (1) shall be subject to revision by the Commission. Nothing contained in this rule shall affect the powers conferred upon any licensee under Section 164 of the Act.

13. Therefore, based on Rule-3 of The Rules, the respondents by exercising power under Section 164 of the Electricity Act, 2003, proposed to lay the line erecting tower in the land of the 1st petitioner and issued notice dated 01.03.2021 under Sections 68 and 164 of Electricity Act, 2003 as admitted in Para 4 of the



Writ Affidavit. Thus, the respondents are invoking the power under Section 164 of Electricity Act, 2003. Section 164 of the Electricity Act, 2003 reads as:

“The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to provisions of the Indian Telegraph Act, 1885 (13 of 1885), any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph authority possesses under that Act, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.”

14. In view of Section 164 of the Act, the licensee/respondents can follow the procedure laid down in Indian Telegraph Act, 1885. When an exception is carved out in the Rule 3, Sub-Rule (i) to (v) and in rule-VI, invocation of the powers by the respondents under Section 68 and 164 of Electricity Act, 2003, cannot be said to be illegal, since it is an exception as prescribed under Sub Rule (i) to (v) of the Rule-3 of the Rules.”

15. This Court is in complete agreement with the conclusions arrived at by the learned Single Judge as also independently examined by this Court in the paragraphs referred to supra and accordingly reject the contentions advanced by the learned counsel for the appellants.

16. With reference to the contention advanced by the learned counsel for the appellants/writ petitioners that the action of the respondents is not sustainable in the absence of an order by the State Government conferring



power/authorisation to carry out the works in terms of Section 164 of the Act, it is submitted by the learned Standing Counsel for the respondents that powers are conferred on the 2nd respondent, by virtue of G.O.Ms.No.115 dated 07.10.2013 for placing of any wires, poles, towers, etc., for transmission of electricity or for the purpose of telephonic or telegraphic communication facility necessary for the proper coordination of the works of the AP Transco and in view of the same, the contention of the learned counsel for the appellants is liable to be rejected.

17. As seen from the notice dated 01.03.2021, it is clear that the same was issued with reference to the powers conferred under the said G.O., a copy of which is filed by the respondents along with a memo dated 12.07.2021, and it is in terms of Section 164 of the Act. The contention raised by the learned counsel for the appellants/writ petitioners in this regard is, therefore, rejected.

18. With reference to the contentions advanced by the learned counsel for the appellants that the learned Single Judge went wrong in not applying the order dated 22.04.2019 in W.P.Nos.4503 and 5873 of 2019 on the file of the High Court of Telangana to the facts of the present case, this Court is unable to accept the same. The learned Single Judge in the present case while relying on the judgments of the Hon'ble Supreme Court, rejected the submission of the learned counsel for the writ petitioners on the premise that the said order referred to above is not a binding precedent, except of persuasive value. The learned Single Judge



also observed that the exception carved out to clause (i) to (v) of Rule 3 by Clause (vi) was not considered in the said order. Further, the learned Single Judge at para 15 of the order under appeal took note of the judgment in *Devisetty Ramaswamy's* case wherein the learned Single Judge adverted to Sections 67 and 164 of the Act including the decision in the case of *K. Subba Raju Vs. Executive Engineer, TLC Division, A.P. Transco*, reported in 2010(4) ALD 358, and the decision in *G.V.S. Ramakrishna Vs. A.P. Transco, Hyderabad*, reported in AIR 2009 (AP) 158, and concluded that when the licensee intends to lay the electric lines by erecting any poles etc. invoking Section 164 of the Act, the licensee would not be required to either initiate land acquisition proceedings or obtain consent from the owner as required under Rule 3. Under the said circumstances, this Court subscribes the view taken by the learned Single Judge in the present case and accordingly reject the contentions advanced on behalf of the writ petitioners.

19. The Hon'ble Supreme Court in *the Power Grid Corporation's* case referred to supra had an occasion to consider Rule 3 of the Works of Licensees Rules, 2006 framed by the Central Government and its applicability in the light of Section 164 of the Act, and rejected similar contentions. The relevant paragraphs read thus:

“18. Another submission made was that permission of the writ petitioner was not obtained which was needed as per Rule 3 of the Rules, 2006. Rule 3(a) reads as under:

“3. Licensee to carry out works:- (1) A licensee may –



(a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or whereunder any electric supply line or works has not already been lawfully laid down or placed by such licensee, with the prior consent of the owner or occupier of any building or land.

19. In the instant case, the aforesaid Rule is not applicable in view of Section 164 of the Electricity Act, 2003, which reads as under:

164. Exercise of powers of Telegraph Authority in certain cases: - The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to provisions of the Indian Telegraph Act, 1885 (13 of 1885), any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph authority possesses under that Act, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.”

The Andhra Pradesh Works of Licensees Rules, 2007 are verbatim identical to the Works of Licensees Rules, 2006 framed by the Central Government. The expression of the Hon’ble Supreme Court referred to above under the said circumstances squarely applies to the present case.

20. Further, the learned Standing Counsel for the respondents, while drawing the attention of this Court to the Judgment of the Hon’ble Supreme Court in **Century Rayon’s** case referred to supra submits that as per his latest instructions, already 98 poles were erected except one pole, as the writ petitioners initiated proceedings by approaching this Court and the works came to a standstill. In the said case, the Hon’ble Supreme



Court while dealing with the use of land belonging to a third party for setting up of an electricity transmission line while relying on the earlier judgment in *Power Grid Corporation's* case, made a reference to the same and it would be profitable to extract the relevant paras in the context of the present case hereunder:

“21. It is not in dispute that in exercise of powers under the aforesaid provision, the appropriate Government has conferred the powers of telegraph authority vide Notification dated 24-12-2003 exercisable under the Telegraph Act, 1885 upon the Power Grid. It may also be mentioned that a Central transmission utility (CTU) is a deemed licensee under the second proviso to Section 14 of the Electricity Act, 2003. Power Grid is a Central transmission utility and is, therefore, a deemed licensee under the Electricity Act, 2003. This coupled with the fact that Power Grid is treated as authority under the Telegraph Act, 1885, it acquires all such powers which are vested in a telegraph authority under the provisions of the Telegraph Act, 1885 including power to eliminate any obstruction in the laying down of power transmission lines. As per the provisions of the Telegraph Act, 1885, unobstructed access to lay down telegraph and/or electricity transmission lines is an imperative in the larger public interest. Electrification of villages all over the country and availability of telegraph lines are the most essential requirements for growth and development of any country, economy and the well-being/progress of the citizens. The legislature has not permitted any kind of impediment/obstruction in achieving this objective and through the scheme of the Telegraph Act, 1885 empowering the licensee to lay telegraph lines, applied the same, as it is, for laying down the electricity transmission lines. xxxxx xxxxx

26. We also do not find that the action of the Power Grid, in the given circumstances, by not shifting the transmission lines was arbitrary. From the facts noted above, it becomes apparent that not only it was unfeasible to change the alignment as almost entire work had already been completed by the time the writ petitioner started protesting against this move, even otherwise, the Power Grid has given sufficient explanation to point out that all relevant factors/aspects were kept in mind while laying down the impugned transmission lines. Such transmission lines had to be in straight line to the extent possible for eliminating loss of transmission. It is also explained that electricity transmission is usually laid or crossed over agricultural land



where minimum extent of land gets utilised for erecting towers and where agricultural activities are not prejudiced/obstructed in any manner. The purpose is to avoid buildings, religious places, ponds, etc. while laying down these transmission lines. It is only when it becomes inevitable that towers are placed on the private lands to the minimum and least extent possible.”
xxxx xxxx xxxxx

The Hon’ble Supreme Court further observed as follows:

“The decision highlights the imperative and the need for unobstructed access for laying down the electricity transmission lines in the larger public interest as these are essential requirements for growth and development of the country, economy and well-being of the citizens.”

21. The said judgment, in the opinion of this Court, is applicable to the facts of the instant case.

22. For the foregoing reasons, this Court is of the considered opinion that no case is made out to interfere with the well-considered order of the learned Single Judge.

23. Accordingly, the Writ Appeal fails and the same is, therefore, dismissed. No order as to costs. As a sequel, miscellaneous petitions, if any, pending shall stand dismissed.

ARUP KUMAR GOSWAMI, CJ

NINALA JAYASURYA, J

cbs



IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

**HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE NINALA JAYASURYA**

WRIT APPEAL No.303 of 2021

16th September, 2021

cbs