



**HIGH COURT OF ANDHRA PRADESH**  
WEDNESDAY ,THE ELEVENTH DAY OF DECEMBER  
TWO THOUSAND AND NINETEEN

**PRESENT**

**THE HONOURABLE SMT JUSTICE T. RAJANI**

**WRIT PETITION NO: 281 OF 2019**

**Between:**

1. G.Venkateswara rao S/o. late Satyanarayana, R/o. 8-197/2, Sai Nagar, Gannavaram
2. Lanka Raja Sekhara Rao S/o. late Sambasiva Rao, R/o. 6-143, BMPS Road, Vijayawada.
3. Lanka Chandra Sekhar S/o. late Sambasiva Rao, R/o. 24-159/4/7, Vepagunta, Visakhapatnam.
4. Movva Uma maheswara Rao S/o. late Appayya, R/o. Rangannagudem, Krishna District. A.P.
5. Lanka Rajeswari S/o. Lanka Satyanarayana, R/o. SER Center, Prasadampadu, Vijayawada.
6. Kasukurthi Padmavathi W/o. K.Venkata Satrulu, R/o. Rangannagudem, Krishna District.

**...PETITIONER(S)**

**AND:**

1. The State of Andhra Pradesh rep. by its Prl. Secretary, Department of Energy, Andhra Pradesh Secretariat, Velagapudi, Amaravathi, Andhra Pradesh
7. Andhra Pradesh SPDCL, Rep. by its Chairman and Managing Director, Srinivasapuram, Tiruchanoor Road, Tirupathi, Chittoor District, Andhra Pradesh.
8. The Superintending Engineer operations, AP SPDCL, Gunadala, Vijayawada, Krishna District.
9. The AP TRANSCO Rep. by its Chairman and Managing Director, Vidyuth Soudha, Gunadala, Vijayawada.
10. The Superintending Engineer AP TRANSCO, Vidyuth Soudha, Gunadala, Vijayawada, Krishna District.
11. The Divisional Engineer AP TRANSCO, Vidyuth Soudha, Gunadala, Vijayawada, Krishna District.
12. The District Collector, Krishna Collector Office, Edepalli, Machilipatnam, Andhra Pradesh
13. M/s Mohan Spintex India Limited 48-12-17, Rep. by The authorized Signatory, Near ESI Bus Stop, Eluru Road, Gunadala, Vijayawada.
14. Andhra Pradesh SPDCL Rep by its Chairman and managing Director Srinivasapuram Tiruchanoor Road Tirupathi Chittoor district Andhra Pradesh

**...RESPONDENTS**

**Counsel for the Petitioner(s): M RADHAKRISHNA**

**Counsel for the Respondents: Y NAGI REDDY**

**The Court made the following: ORDER**



**\* SMT JUSTICE T. RAJANI**

**+ WRIT PETITION No. 281 of 2019**

% 11.12.2019

- # 1. G.Venkateswara Rao.
2. Lanka Raja Sekhara Rao.
3. Lanka Chandra Sekhar.
4. Movva Uma Maheswara Rao.
5. Lanka Rajeswari
6. Kasukunthi Padmavathi.

... Petitioners

Vs.

\$ The State of A.P., rep. by its Secretary to Government and others  
.... Respondents

! Counsel for the petitioners: SRI M.RADHAKRISHNA

Counsel for the Respondents: SRI Y.NAGI REDDY,  
SRI B.V.KRISHNA REDDY,  
SRI Y.V.RAVI KUMAR

<Gist :

>Head Note:

? Cases referred:



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... Petitioner

Vs.

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.... Respondents

Date of Judgment Pronounced: 11.12.2019

Submitted for Approval:

**SMT JUSTICE T. RAJANI**

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| 1. Whether Reporters of Local newspapers may be allowed to see the judgments ? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals      | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment ? | Yes/No |

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T. RAJANI, J

**SMT JUSTICE T.RAJANI****WRIT PETITION No. 281 of 2019****ORDER:**

This petition is filed seeking to declare the action of the respondents in erecting the high power transition towers and laying lines in the petitioners lands covered by Survey Nos.124-1, 128-2, 110-1, 128-3, 124-2, 36-2 and 12-3 of Bapulapadu Mandal, Krishna District, as illegal.

2. The petitioners aggrieved by the laying of lines by the 8<sup>th</sup> respondent over their lands come before this court seeking a direction to restrain the 8<sup>th</sup> respondent from laying lines. The understanding of the petitioners, as could be understood from the arguments of the petitioners' counsel, is that the 8<sup>th</sup> respondent is granted permission to lay the electrical lines in the agricultural lands of the petitioners.

3. The 8<sup>th</sup> respondent in its counter clarified that it is a fully integrated textile company, majority of the employment in the company/s provide for rural women. They have unit 2 at Remalle village. They proposed their composite mega textile project, which is adjacent to the said unit in a phased manner and applied for additional load to their unit from the sub station under construction at Ranganagudem. APTRANSCO has sanctioned the same and agreed to convert their existing 33 KV potential to 132 KV potential and based on their sanction letter, they started their Composite Mega Textile Project



(Unit 3) with a total investment of 275.85 cores in a phased manner. Phase I was scheduled to commence commercial production in the month of April, 2015 while phase II of their composite Mega Textile Project (Unit 3) was expected to be ready in January, 2016 Since two phases would be commencing commercial operations in January, 2016. Since two phases would be commencing operations on different dates and since the progress of 132KV Rangannagudem SS is not matching with their schedule for trail production, they have requested APSPDCL for a separate service of 5000 KVA to be supplied in a phased manner. They received machinery for Unit 3 (Phase I) and erection of the same has begun. APSPDCL has sanctioned 5000KVA and released power in a phased manner. They are in need of an additional CMD of 2500KVA to the existing CMD of 10500 KVA, as the 2<sup>nd</sup> phase of their unit 3 will be ready for trail production by November/December, 2015 and to put this expansion into production. In anticipation of completion of 132 KV Rangannagudem SS, they have requested ED (Planning, RAC & Reforms) APTRANSCO to enhance the already approved CMD and the same was sanctioned. They have submitted their request to the SE (O) APSPDCL-Vijayawada requesting for an additional CMD of 2500 KVA. They have supplied to APTRANSCO for erection of DC/SC line from 132/33 KV to their unit. They submitted representation to the Chief Engineer construction APTRANSCO who have additional HT Supply. The same was accepted and they paid requisite amount of money. The 8<sup>th</sup> respondent was permitted to carry out the above works on turn key basis by APTRANSCO authorized contractor



M/s.Annapurna Constructions & Transmission Pvt. Ltd., Hyderabad .

There is a provision for compensation under Section 16 of the Indian Telegraph Act. The writ petitioners without approaching the concerned authority, filed this petition, which deserves to be dismissed.

4. Heard Sri M.Radhakrishna, learned counsel for the petitioners; Sri Y.Nagi Reddy, learned standing counsel; Sri B.V.Krishna Reddy, learned standing counsel; and Sri Y.V.Ravi Kumar, learned senior counsel, appearing for the respondents.

5. Petitioners' counsel expresses no grievance if it had been the Government, which had taken up the work of laying lines over its fields. His grievance is that if it is 8<sup>th</sup> respondent, who is permitted to lay lines, his right of appeal provided under Section 16 of the Indian Telegraph Act would be lost. In answer to the said contention, the counsel for the 8<sup>th</sup> respondent submits that the writ petition is filed under misconception that it is 8<sup>th</sup> respondent, who is executing the works, but, in fact, it is APTRANSCO which is executing the work through registered contractor i.e., M/s.Annapurna Constructions and Transmission Pvt. Ltd.

6. The counsel for the petitioners relies on Section 164 of the Electricity Act to contend that the Government conferred power for placing of electrical lines on a person, who is permitted under Section 164 to be conferred with such power. Section 164 can be extracted for ready reference, which reads as follows:



“Section 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, 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.”

7. It can be seen that conferring powers under Section 164 can be on a licensee or any other person engaged in the business of supplying electricity under the Act. There is no dispute that APTRANSCO is a licensee and from the record it can be understood that M/s. Annapurna Constructions and Transmission Pvt. Ltd., is a registered contractor of APTRANSCO and the work is being carried on by M/s. Annapurna Constructions and Transmission Pvt. Ltd. It cannot be said that the licensee himself has to carry on the work, as the mode of execution of work by APTRANSCO would be to get it executed through registered contractors, who are experts in the concerned field. Hence, no merit is found in the contentions of the petitioners' counsel.

8. In view of the above, this court deems it fit to dispose of the writ petition by clarifying that the right of appeal under Section 16 of the Indian Telegraph Act, would not be lost by the petitioners since there is



no violation of the procedure and any dispute with regard to the compensation can be raised in accordance with Section 16 of the Act.

With the above observations, the Writ Petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

December 5, 2019  
LMV

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**T. RAJANI, J**





**JUSTICE T.RAJANI**

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**WRIT PETITION No. 281 of 2019**

December 5, 2019

LMV