IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF APRIL, 2025

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.200428 OF 2025 (GM-KEB)

BETWEEN:

SHRI RAGHAVENDRA
S/O KASHINATH MAILAPUR,
AGE: 60 YEARS, OCC: BUSINESS,
SARAF BAZAR, SUPER MARKET,
KALABURAGI.

…PETITIONER

(BY SRI. D. P. AMBEKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF ENERGY,
VIKASA SOUDHA,
DR.B.R. AMBEDKARSTREET,
BANGALORE – 560 001.

2. THE CHIEF ENGINEER ELECTY,
TRANSMISSION ZONE, KPTCL,
KALABURAGI – 585 105.

3. THE SUPERINTENDING ENGINEER (ELE),
TRANSMISSION (W & M), CIRCLE KPTCL,
SEDAM ROAD, KALABURAGI – 585 105.

4. THE EXECUTIVE ENGINEER ELE.,
TL & S S DIVISION KPTCL,
ROOM NO.106 PRASARANA BHAVANA,

Digitally signed by LUCYGRACE
Location: HIGH COURT OF KARNATAKA

UNIVERSITY CAMPUS, SEDAM ROAD,
KALABURAGI – 585 105.

…RESPONDENTS

(BY SRI. SHESHADRI JAISHANKAR, AGA FOR R1;
SRI. RAVINDRA REDDY, ADV. FOR R-2 TO R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO,

A) ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS NO. 2 TO 4 TO CONSIDER THE REPRESENTATION OF THE PETITIONER AT ANNEXURE-C, NAMELY, THE REPRESENTATION DATED 17.10.2023 IN LINE WITH ANNEXURE-H BY ISSUING A NOTICE IN ADVANCE TO THE PETITIONER IN CASE A SURVEY/SPOT INSPECTION IS CONDUCTED AND DIVERT THE POWER LINES AS SUGGESTED WITHOUT RENDERING THE PROPERTY OF THE PETITIONER UNUSABLE.

B) ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS NO.1 TO 4 NOT TO DIG OR OTHERWISE DAMAGE OR INTERFERE IN ANY MANNER WITH THE PETITIONER'S PEACEFUL POSSESSION AND ENJOYMENT OF THE LANDS BEARING SY.NO.66/1 AND SY.NO.67/1 OF KUSNOOR VILLAGE, KALABURAGI HOBLI AND TALUKA, TILL HIS REPRESENTATION AT ANNEXURE-C IN LINE WITH ANNEXURE-H IS CONSIDERED.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri D.P. Ambekar, learned counsel for the writ petitioner as well as Sri Ravindra Reddy, learned counsel who represents respondent Nos.2 to 4.

2. Seeking a writ in the nature of mandamus directing respondent Nos.2 to 4 to consider the representation of the petitioner dated 17.10.2023 and also to direct all the respondents not to interfere with the peaceful possession of the petitioner over his property, the present writ petition is filed.

3. Learned counsel for the writ petitioner submits that the petitioner and his brothers are the lawful owners of 22 acres of land, which is located in Sy.No.66/1 and Sy.No.67/1 of Kusnoor Village, Kalaburagi Taluk. There are

two extra high tension 110 KV power lines which pass through the lands of the petitioner. Under the guise of raising the height of the existing lines, the employees of respondent Nos.2 to 4 entered into land of the petitioner and his family members and started digging the land. The petitioner gave a representation to all concerned seeking them to relocate the existing transmission lines. However, respondent Nos.2 to 4 did not consider to dispose of the said representation and aggrieved by the same, the present writ petition is filed.

4. Sri Ravindra Reddy, learned counsel who represents respondent Nos.2 to 4, on the other hand submits that the representation of the petitioner dated 17.10.2023 was considered and reply was given. Again, the petitioner gave another representation and reply to that representation was also given. Learned counsel states that the writ petition itself is not maintainable, as the petitioner has got efficacious remedy under Section 17 of the Indian Telegraph Act, 1885.

5. Section 17 sub-clause (2) of the Indian Telegraph Act, 1885 reads as under:

> *"17 (2) If the telegraph authority omits to comply with the requisition, the person making it may apply to the District Magistrate within whose jurisdiction the property is situate to order the removal or alteration."*

6. In reply to the submission that is made by the learned counsel for respondent Nos.2 to 4, learned counsel for the writ petitioner states that in the letter that was addressed by the Chief Engineer, Electricity, Transmission Zone, KPTCL, Kalaburagi dated 10.07.2024, there is a clear mention that by considering the request of the petitioner, the issue of heightening and strengthening of 110 kv North-University Circuit-I Transmission line at location No.94A and 95A under Self Execution Scheme will resolved. Learned counsel states that though such an assurance was given way back in the year 2024, the department has not taken any steps till now.

7. Learned counsel, who is representing respondent Nos.2 to 4 did not state anything about the consideration of the issue after addressing of letter dated 10.07.2024. Therefore, this Court considers desirable to direct respondent Nos.2 to 4 to consider the request of the petitioner for relocation of the transmission line under Self Execution Scheme and pass necessary orders.

8. Thus, the writ petition is disposed of with the following order:

i) Respondent Nos.2 to 4 to consider the request of the petitioner for relocation of the transmission line under Self Execution Scheme and pass necessary orders in that regard in accordance with the provisions of law and also basing on the Rules and Regulations framed thereunder, within a period of four weeks from the date of receipt of certified copy of this order.

ii) The decision taken be communicated to the petitioner.

Sd/-
(Dr.CHILLAKUR SUMALATHA)
JUDGE

LG
List No.: 1 Sl No.: 28