

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.514 of 2017

B.Rajagopal

... Petitioner

vs.

1. The Chief Manager,
Power Grid Corporation Ltd.,
(A Government of India Enterprise)
5/1706-C, Perumal Gounder Street,
Elakkaimpatti, Dharmapuri,
Dharmapuri District.
 2. The Assistant Director of Agriculture (In-charge),
Kelamangalam,
Krishnagiri District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st respondent to consider the petitioner's representation dated 04.11.2016 and consequently direct the 1st respondent to pay the compensation as per the assessment order of the 2nd respondent vide Letter No.73/2014-2015, dated 08.09.2014.

For Petitioner : Mr.K.Gandhi Kumar
For Respondents : Mr.S.V.Doraisolaimalai,
Additional Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 1st respondent to consider the petitioner's representation dated 04.11.2016 and consequently direct the 1st respondent to pay compensation as per the assessment order of the 2nd respondent vide Letter No.73/2014-2015, dated 08.09.2014.

2. According to the petitioner, he has got agricultural lands in Kalinaikkan Palli Village in Survey Nos.851/1, 852/2, 852/2, 416 and 147, which are his ancestral properties and all the revenue records stand in his name. In the said lands, there

were 24 Teakwood trees, 31 Coconut Trees, 1 Jungle Tree, 2 Mango Trees, 2 Tamarind Trees, 1 Neem Tree and the age of the abovesaid Trees is also more than 20 years.

3. While so, the 1st respondent approached the petitioner to cut the abovesaid trees and crops for their project viz. "Construction of 400KV D/C Salem New (Dharmapuri) Somanahalli Transmission Line", as the said line will pass through the petitioner's land. They also agreed to pay the value of the said trees as fixed by the 2nd respondent. After cutting the trees and crops, the 1st respondent initially paid a sum of Rs.3,04,110/- as tentative cost of the trees and the 1st respondent agreed to pay the value of the trees on the basis of the assessment made by the 2nd respondent. Thereafter, on 08.09.2014, the 2nd respondent issued the assessment order based on the representation given by the Farmer Association, Tamil Nadu.

4. Pursuant thereto, the 2nd respondent prepared the re-assessment value list, and the same was sent to the 1st respondent for adequate and proper compensation amount. But, the 1st respondent did not consider the proceedings of the 2nd respondent, dated 08.09.2014. Hence, the petitioner effected a legal notice dated 17.08.2015 to the 1st respondent. Since there was no reply from the 1st respondent, the petitioner once again made a representation to the 1st respondent on 04.11.2016 requesting to pay the compensation for the trees and crops cut by the 1st respondent, based on the 2nd respondent's assessment order. Pending consideration of the same, the petitioner is before this Court.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Considering the facts and circumstances of the case and without going into the merits of the case, this Court directs the 1st respondent to consider the petitioner's representation dated 04.11.2016 as regards payment of compensation based on the assessment order, dated 08.09.2014 passed by the 2nd respondent, on merits and in accordance with law and pass appropriate orders, as expeditiously as possible.

This Writ Petition is disposed of with the above direction. No costs.

sd/
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

aeb

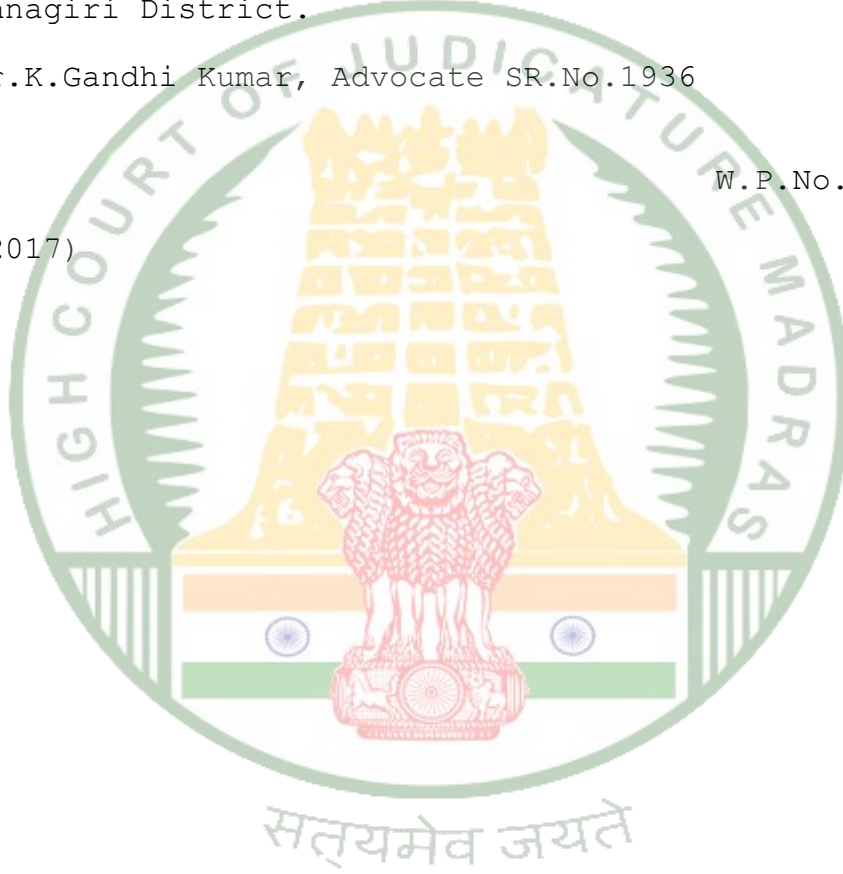
To:

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2. The Assistant Director of Agriculture (In-charge),
Kelamangalam,
Krishnagiri District.

+1cc to Mr.K.Gandhi Kumar, Advocate SR.No.1936

W.P.No.514 of 2017

RSI (CO)
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