

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P.No.30025 of 2018

and

W.M.P.Nos. 35051 & 35055 of 2018

A.K.Saravanakumar

... Petitioner

Vs

- 1.The Principal Secretary to Government,  
Energy Department,  
Fort St. George, Chennai - 600 009.
- 2.Secretary to Government,  
Revenue & Disaster Management Department,  
Land Administration Wing,  
LA-I (1) Section,  
Fort St. George, Chennai - 600 009.
- 3.Director of Agriculture,  
Chepauk, Chennai-5.
- 4.Director of Horticulture,  
Chepauk, Chennai-5.
- 5.District Collector,  
Erode District, Erode-11.
- 6.Joint Director of Agriculture, Erode.
- 7.The Chairman, Power Grid Corporation of India Limited,  
B-9, Qutab Institutional Area, Katwaria Sarai,  
New Delhi - 110 016.
- 8.Power Grid Corporation of India Limited,  
Rep. by its Deputy General Manager,  
No.3/3/27-B, Bharati Nagar,  
Salem Main Road, Sankagiri - 637 301. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1<sup>st</sup> respondent in G.O.(Ms)No.63 Energy (A1) Department dated

22.11.2017 and the consequential Letter (Ms)No.41/A1/2018 dated 16.05.2018 and G.O.(Ms)No.281 Revenue & Disaster Management Department, Land Administration Wing, LA-1(1) section dated 07.09.2017 of the 2<sup>nd</sup> respondent and the report of 6<sup>th</sup> respondent for coconut tree compensation No.C2/10625/14(2) Date.16.04.2018 and quash the same and direct the respondents to evolve a scheme for fixing the compensation in respect of coconut trees by taking into account the Letter of Director of Agriculture No.Ea.pa.t.3/16546/14 dated 04.09.2014 and also to determine and pay rent as contemplated in Rule 3(2) of The Works of Licensees Rules, 2006, and in respect of horticulture trees by taking into account G.O.(Ms)No.185 (Revenue 1(1) Dept) dated 12.04.2004.

For Petitioner : Mr.L.G.Sahadevan

For Respondents : Mr.Akhil Akbar Ali  
Government Advocate for R1 to R6

: Mr.V.Kalayana Raman for  
M/s. Aiyur & Dolia  
for R7 & R8

#### O R D E R

The prayer sought for herein is for a writ of certiorarified mandamus calling for the records of the 1<sup>st</sup> respondent in G.O. (Ms)No.63 Energy (A1) Department dated 22.11.2017 and the consequential Letter (Ms)No.41/A1/2018 dated 16.05.2018 and G.O. (Ms)No.281 Revenue & Disaster Management Department, Land Administration Wing, LA-1(1) section dated 07.09.2017 of the 2<sup>nd</sup> respondent and the report of 6<sup>th</sup> respondent for coconut tree compensation No.C2/10625/14(2) Date.16.04.2018 and quash the same and direct the respondents to evolve a scheme for fixing the compensation in respect of coconut trees by taking into account the Letter of Director of Agriculture No.Ea.pa.t.3/16546/14 dated 04.09.2014 and also to determine and pay rent as contemplated in Rule 3(2) of The Works of Licensees Rules, 2006, and in respect of horticulture trees by taking into account G.O.(Ms)No.185 (Revenue 1(1) Dept) dated 12.04.2004.

2. Heard, Mr.L.G.Sahadevan learned counsel appearing for the petitioner who would submit that, in the petitioner's agricultural land in Modakurichi Taluk, Vadugapatti Village, in Survey No.4017/1, he was already having a grown up coconut trees grow and income derived from the coconut trees is the only source of livelihood for petitioner and his family. While so, the seventh respondent had proposal to lay transmission line through the petitioner's land by cutting around 250 coconut trees for the purpose of 800 Kv HVDC transmission line between Kangeyam-Dharmapuri-Raigarh.

3. The learned counsel would further submit that, the petitioner even though does not object to the proposal in the interest of public, however wants proper compensation to be paid to the petitioner for around 250 coconut trees going to be cut down for the purpose of laying the transmission line.

4. Though in this writ petition, petitioner has made challenge to the Government Order i.e., G.O.(Ms)No.63 Energy (A1) Department dated 22.11.2017, after some arguments, the learned counsel has given up the said challenge against the G.O. (Ms)No.63, which is a beneficial Government Order for those agriculturists and others whose land is to be utilised for laying transmission line by the respondents.

5. However, the only grievance of the petitioner is that, there had been a State Level Committee consisting of Joint Director of Agriculture, Deputy Director of Agriculture, State Planning and other officials and the said Committee constituted in this regard will evaluate the proposed loss to be sustained by every agriculturist, because of the cutting of trees and other agricultural plants and accordingly it would recommend to the appropriate authority for paying compensation.

6. Though such committee was constituted, the learned counsel would submit that, the respondents are taking a fixed rate for coconut tree, depending upon the age of the coconut tree. Accordingly, for a one year old coconut tree, the damage was fixed as Rs.2687/- and for 50 years old coconut tree it is Rs.9312/-. Like that for various years from 1 to 50 it had been given as a basis for evaluating the loss to be sustained by the agriculturists for the purpose of compensation.

7. Learned counsel would submit that, in this regard, if the respondent, especially the fifth respondent is taking into account, the fixed rate for the purpose of evaluating the loss, the petitioner would be greatly prejudiced, as according to his calculation, every coconut tree would fetch a revenue of more than Rs.1,00,000/- for life time and therefore unless the said amount is paid, the petitioner's loss cannot be equated.

8. Learned counsel for the petitioner would further submit, in this regard he sent a detailed representation to the fifth respondent on 03.01.2018, where, among other aspects, the petitioner mainly focused the quantum of compensation payable to him for the loss to be sustained by him for the cut of coconut trees. Therefore the learned counsel submits that, if the said representation of the petitioner given to the fifth respondent is taken into account and the same is decided on merits, ofcourse by taking into account, the market rate of the

loss to be sustained by the petitioner in respect of each of the coconut tree, which he had grown already in his land and accordingly, a pragmatic decision is taken to adequately compensate the petitioner, the petitioner would be satisfied.

9. I have heard, Mr.Akhil Akbar Ali, learned Government Advocate appearing for Respondents 1 to 6 and Mr.V.Kalayana Raman, learned Standing Counsel appearing for the Respondents 7 and 8.

10. The learned counsel for the respondents 7 and 8 would submit that, G.O.(Ms)No.63 Energy (A1) Department, dated 22.11.2017 is a beneficial Government Order and therefore no challenge can be made by petitioner. In so far as the compensation for the loss to be sustained by the petitioner, because of the proposed cut of the coconut tree, certainly adequate compensation would be paid to them and that would be decided by the State Government, for which Committee had already been constituted.

11. Mr.Akhil Akbar Ali, learned Government Advocate would submit that, the petitioner shall be adequately compensated for the loss to be sustained by him, because of the large number of coconut trees to be cut off, if the proposed high voltage 800 Kv line is laid for the said purpose. In order to evaluate the compensation, as has been pointed out by the learned counsel for the petitioner, the State Level Committee has already been constituted and if at all the petitioner has to make any input for the consideration, he can do so, by sending a representation to the fifth respondent and such input to be supplied by the petitioner would be taken into account and the interest of the petitioner would be adequately taken care of by the respondents.

12. I have heard the learned counsel appearing for both sides and perused the materials placed before this Court.

13. Even though the main focus of the grievance put forth by the petitioner is about the method to be adopted for the evaluation of the loss to be sustained by the petitioner, his additional grievance appears to be that, when they are calculating for the compensation, the annual rental value of the land, which is going to be utilised for the proposed laying of transmission line, also to be properly valued and accordingly, proper and adequate compensation has to be given to the petitioner in that aspect also.

14. The learned counsel for the petitioner has made a submission that, in the said representation referred to above, he has also raised that issue. Therefore if that issue is also

directed to be addressed by the respondents, especially the fifth respondent, the petitioner would be satisfied.

15. Since the challenge made against the Government Order is given up by the petitioner, that issue need not be pondered herein.

16. In so far as the further grievance of the petitioner seeking for a mandamus to consider his request by way of representation dated 03.01.2018, for the method to be adopted by the State Level Committee for evaluating the compensation for the coconut trees of the petitioner and also for the annual rental value of the petitioner's land, this Court is inclined to pass the following order:

That the fifth respondent is hereby directed to consider the representation of the petitioner, dated 03.01.2018 and decide the same on merits and in accordance with law.

Before taking a decision on the representation, if the fifth respondent wants to get input from the petitioner and also to take the aid of the State Level Committee constituted in this regard, such an exercise also shall be undertaken by the fifth respondent.

After having analysed the inputs to be supplied by the petitioner, also the aid and advice given by the State Level Committee constituted in this regard, the fifth respondent, after taking a pragmatic decision, shall pass final orders as to the quantum to be paid to the petitioner, for the loss to be sustained by losing number of coconut trees and also for the utilisation of the land.

It is made clear that whatever decision to be taken by the fifth respondent, if it is not acceptable to the petitioner in any aspect, it is open to him to agitate the same in the manner known to law.

If the petitioner wants to give any further input apart from the information he has already supplied in the representation referred to above, it is open to the petitioner to give such input to the fifth respondent by way of additional documents and

request and such exercise shall be done by the petitioner within a period of two weeks from the date of receipt of a copy of this order.

On receipt of such input from the petitioner, the needful has to be undertaken by the fifth respondent within a period of two months thereafter.

With these directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssr / tsvn

To

- 1.The Principal Secretary to Government,  
Energy Department,  
Fort St. George, Chennai - 600 009.
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Revenue & Disaster Management Department,  
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- 5.The District Collector,  
Erode District, Erode-11.
- 6.The Joint Director of Agriculture,  
Erode.

7.The Chairman, Power Grid Corporation of India Limited,  
B-9,Qutab Institutional Area, Katwaria Sarai,  
New Delhi - 110 016.

8.The Deputy General Manager,  
Power Grid Corporation of India Limited,  
No.3/3/27-B, Bharati Nagar,  
Salem Main Road, Sankagiri - 637 301.

+3cc to Mr.L.G.Sahadevan, Advocate Sr.77840  
+1cc to Mr.Aiyar & Dolia, Advocate Sr.78209  
+1cc to the Government Pleader Sr.78772

W.P.No.30025 of 2018

srg 27/11/2018



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