

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM :
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
W.P.No.30458 of 2018

K.Kaladevi

... Petitioner

.Vs.

1.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
(Tamil Nadu Electricity Board),
182, Dr.Subbarayan Street,
Tatabad, Coimbatore - 641 012.

2.The Junior Engineer,
T L C I,
Tamil Nadu Transmission Corporation,
(Tamil Nadu Electricity Board),
Udumalpet Division,
Udumalpet - 642 126.

3.The Chairman,
Tamil Nadu Transmission Corporation,
(Tamil Nadu Electricity Board),
144, Anna Salai, Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the claim of Rs.1,65,000/- (Rupees One lakh and Sixty five thousand only) being the compensation and damages in terms of the claim dated 16.04.2018 made to the 2nd respondent and the representation dated 17.10.2018 to the 1st respondent along with interest @ 9% p.a. for the belated payment from 16.04.2018 till its final settlement within a reasonable period fixed by this Hon'ble Court.

For Petitioner : Mr.R.Krishnamoorthy

For Respondents: Mr.Abdul Saleem

O R D E R

The prayer sought for herein is a writ of mandamus to direct the respondents to settle the claim of Rs.1,65,000/- (Rupees One lakh and Sixty five thousand only) being the compensation and damages in terms of the claim dated 16.04.2018, made to the 2nd respondent and the representation dated 17.10.2018 to the 1st respondent, along with interest @ 9% p.a., for the belated payment from 16.04.2018 till its final settlement, within a reasonable period to be fixed by this Court.

2.Heard Mr.R.Krishnamoorthy, learned counsel for the petitioner and Mr.Abdul Saleem, learned Advocate, appearing for the respondents.

3.According to the learned counsel for the petitioner, the grievance of the petitioner is that, the petitioner's agricultural land at Survey No.305/4, comprising of 3.10.0 Hectares, at Chinnakkampalayam Village, Dharapuram Taluk, Tiruppur District, was taken possession or acquired by the respondents for the purpose of laying High Tension Electrical Lines. In the said land, there had been standing crops of sugarcane and some coconut trees also, which were completely damaged and because of the utilisation of the land by the respondents Corporation for running the High Tension Electrical Lines, the said portion of the land has been completely taken away and it cannot be put in use by the petitioner. Therefore, as per the procedure in vogue, the petitioner is entitled to get compensation towards the cost of the land of 656 sq.ft. and also the cost for the damages of the crops, i.e. sugarcane as well as some coconut trees.

4.In this context, the learned counsel would submit that, the said loss caused to the petitioner has been quantized by the petitioner as Rs.1,65,000/- (Rupees One lakh and Sixty five thousand only) and seeking for such a compensation, even though, the petitioner had made a request by way of claim letter on 16.04.2018, the same has not been so far considered and no compensation has been given to the petitioner so far. In this regard, a further representation also has been given by the petitioner on 17.10.2018, however, nothing has served the purpose, therefore, the petitioner has approached this Court, by filing the present writ petition with the aforesaid prayer.

5.I have heard Mr.R.Krishnamoorthy, learned counsel for the petitioner, who would submit that, from the year 2015 onwards, the system of calculation of loss caused to the land owners by taking the land for the purpose of respondent TANGEDCO's utility is different, and prior to that, the calculation of loss was carried out in a different method. At any rate, since, the land of the petitioner had been taken by the respondents for its

utility, certainly, her claim for compensation should be considered on merits and in accordance with law, by taking into account the claim letter of the petitioner dated 16.04.2018 and the representation dated 17.10.2018 and pass orders accordingly within a time frame.

6.I have heard the said submissions made by the learned counsel for both sides and have perused the materials placed before this Court.

7.In view of the above said factual matrix, this Court is inclined to pass the following orders.

8.That the respondents are hereby directed to consider the request of the petitioner by way of claim letter sent to the 2nd respondent dated 16.04.2018 and the subsequent reminder of the petitioner sent to the 1st respondent dated 17.10.2018 and take a decision thereon, with regard to the grievances of the petitioner for awarding compensation for the loss caused, as well as the damages caused to the standing crops at the petitioner's land at the time of taking over the land and accordingly, take further follow up action to pay such compensation, to be quantified by the respondents in this regard. The needful as indicated, shall be undertaken by the respondents within a period of two months from the date of receipt of a copy of this order and the follow up action shall be communicated and the compensation also to be quantified shall be disbursed to the petitioner within the said period.

With these directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
(Tamil Nadu Electricity Board),
182, Dr.Subbarayan Street,
Tatabad, Coimbatore - 641 012.

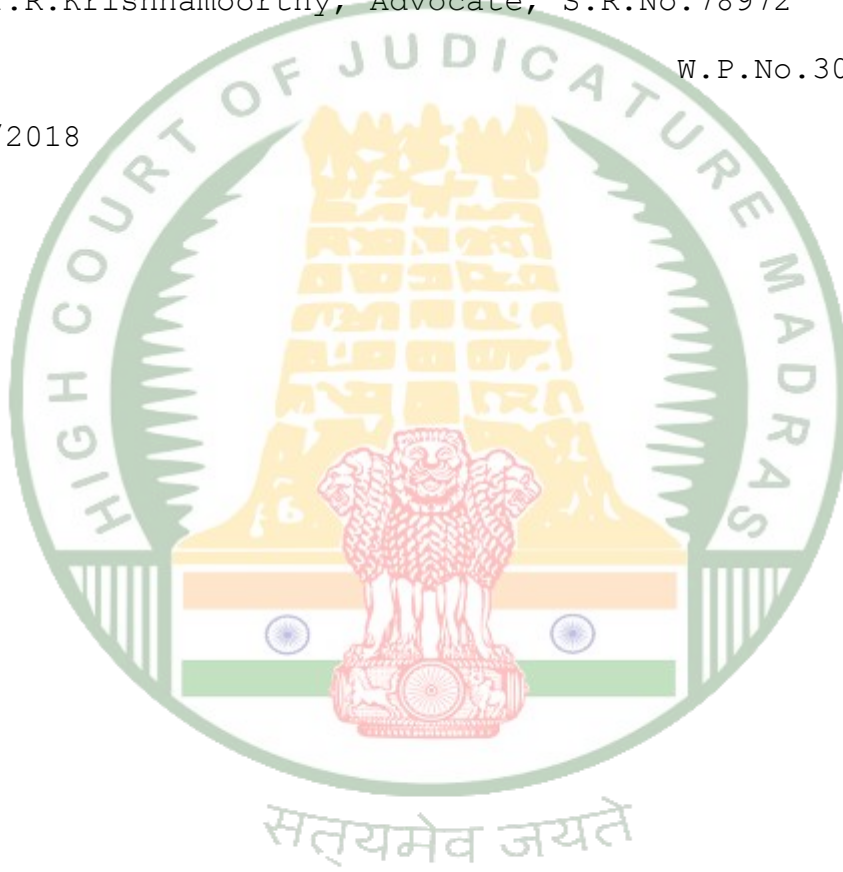
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+lcc to Mr.R.Krishnamoorthy, Advocate, S.R.No.78972

W.P.No.30458 of 2018

rrs 26/11/2018



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