



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 17.01.2018

CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P (MD) Nos.8879 of 2017
and
WMP (MD) No.6799 of 2017

R.Palanichamy Petitioner

Vs.

1.The Power Grid Corporation
rep. by its Executive Engineer/
Assistant General Manager
Tenkasi Road, Abishegapatti,
Tirunelveli.

2.The District Collector,
Tirunelveli District. ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 1st respondent herein from in any manner interfering with the peaceful possession and enjoyment of the petitioner in the patta lands of the petitioner covered by patta Nos.824 and 826 in S.Nos.105/4A, 91/2A1, S.No.104/1B & 105/1B totally measuring 11.16 acres in Thirupathi Karisalkulam Village, Tirunelveli.

For Petitioner : Mr.Veera. Kathiravan, senior
counsel for M/s.Veera Associates

For Respondents : Mr.Jayesh B.Dolia for R1
Mr.K.Saravanan, G.A. For R2

O R D E R

Heard the learned senior counsel for the petitioner and the learned counsel for the respondents.

2.The petitioner seeks issuance of a writ of mandamus, forbearing the Power Grid Corporation from in any manner interfering with his peaceful possession and enjoyment of his patta lands which measuring about 11.16 acres in Thirupathi Karisalkulam Village, Tirunelveli.

3.Such a writ petition is not maintainable for two reasons.
<https://hcservices.ecourts.gov.in/hcservices/>
The petitioner seeking enforcement of his possessory rights over his lands. Instead of filing a civil suit, he has chosen to invoke the



writ of jurisdiction available under Article 226 of Constitution of India. It has been statutorily recognised that injunction will be refused if the invasion of the petitioner's right can be adequately compensated in terms of money.

4. In the present case, the first respondent has been conferred with the power to erect towers and lay lines over immovable properties of third parties pursuant to Section 10 of Indian Telegraphic Act, 1885. If in the exercise of powers conferred by the said provision, the first respondent had caused any damage to the writ petitioner's rights or properties, it is certainly open to the petitioner to invoke Section 16 of the said Act for claiming compensation. Thus, the injury that is suffered by the petitioner can be adequately compensated in terms of money. More than anything else, the first respondent is only exercising its powers that have been statutorily conferred on a telegraphic authority. Injunction can never be issued against the said statutory authority for restraining the exercise of statutory powers. There is absolutely no merit in this writ petition and it deserves to be dismissed.

5. This writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

The District Collector,
Tirunelveli District.

+1cc to M/s.VEERA ASSOCIATES, Advocate, SR. 42594
+1cc to M/S.AIYAR AND DOLIA, Advocate, SR.42680
+1cc to M/S.Special Government Pleader, SR. 42650

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