

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6549 of 2019

K.Muralidharan

.. Petitioner

-vs-

1. The Chairman
Tamil Nadu Electricity Board
NPKRR Maaligai
No.144, Anna Salai
Chennai 600 002
2. The Chief Engineer
Tamil Nadu Transmission Corporation
Mannarpuram
Trichy 620 020
3. The Superintending Engineer
General Construction Circle
Tamil Nadu Transmission Corporation
No.182, Dr.Subbarayan Salai
Tatabad, Coimbatore 641 012
4. The District Collector
Palladam Road
Tiruppur 641 601
Tiruppur District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the fourth respondent to determine and pay compensation to the petitioner in accordance with Section 10(d) of Indian Telegraph Act, 1885 or Rule 3(1)(2) of Works of Licensees Rules, 2006 for damages sustained by the petitioner with regard to transmission of lines by the respondent No.1 to 3 upon the agricultural land of petitioner comprised in S.No.184/1,188/1,185/1B,182,183,185/2 situated at Cheyur Village, Avinashi Taluk, Tiruppur District by considering representation dated 2.5.2018.

For Petitioner :: Mr.K.Myilsamy

For Respondents :: Mr.Abdul Saleem
Standing Counsel
for R1 to R3
Mr.K.Ravikumar
Additional Government Pleader for R4

ORDER

The petitioner has come to this Court seeking issuance of a mandamus directing the fourth respondent to determine and pay compensation to the petitioner in accordance with Section 10(d) of Indian Telegraph Act, 1885 or Rule 3(1)(2) of Works of Licensees Rules, 2006 for damages sustained by the petitioner with regard to transmission of lines by the respondent No.1 to 3 upon the agricultural land of petitioner comprised in S.Nos.184/1, 188/1, 185/1B, 182, 183, 185/2 situated at Cheyur Village, Avinashi Taluk, Tiruppur District, by considering his representation dated 2.5.2018.

2. Learned counsel for the petitioner submitted that for the purpose of transmitting the lines, the respondents had illegally barged into the property of the petitioner and cut down the coconut, neem and teak wood trees planted by the petitioner. It is also stated that since the life of neem and teak wood trees are more than twenty five years old and the coconut trees are also more than twenty years old, the petitioner has enjoyed the benefits from the coconut trees, the value of which would go beyond Rs.50,000/- per month. When the line is travelling around 300 metres consisting of four lines upon the land of the petitioner, in view of the laying of the power lines, the petitioner is unable to cultivate his field, because he is unable to utilise his land for any other purpose. Therefore, a representation has been given requesting the fourth respondent to determine and pay the compensation to the petitioner, as per Section 10(d) of the Indian Telegraph Act, 1885 and/or Rule 3(1)(2) of the Works of Licensees Rules. However, no response is forthcoming from the respondents.

3. It is at this stage the learned counsel for the petitioner and the learned standing counsel for the respondents 1 to 3 jointly submitted that if the responsible officer deputed by the fourth respondent, before consideration of the application by the fourth respondent, pays a visit to the place in question, that would be extremely useful to both parties, to assist the District Collector for determining the compensation.

4. I also agree with the said suggestion. The reason being that when there is an allegation made by the respondents 1 to 3 that the petitioner has given an impression that the respondents have cut 30 coconut trees, 5 neem trees and 5 teakwood trees, when the respondents are said to have removed only 5 coconut trees and one teakwood tree, the District Collector, Tiruppur is hereby directed to depute a responsible officer at the level of Revenue Divisional Officer to inspect the place in question to satisfy themselves and on receipt of the report from the officer, the District Collector shall pass appropriate orders for payment of compensation, as per Section 10(d) of the Indian Telegraph Act, 1885 and/or Rule 3(1)(2) of the Works of Licensees Rules, 2006, within a period of four weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. No costs.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

ss

To

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Tatabad, Coimbatore 641 012
4. The District Collector
Palladam Road
Tiruppur 641 601
Tiruppur District

+1cc to Mr.K.Myilsamy, Advocate SR.No.21642

+1cc to Government Pleader SR.No.22078

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VG II(CO)

GMV(28/03/2019)



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