

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.7952 of 2018

P.Venkat

.. Petitioner

-vs-

1.The Chief Engineer,
Power Grid Corporation of India,
No.17/4G Vivekanantha Street,
Gandhi Nagar, Nasiyoor Road,
Erode.

2.The Assistant General Manager,
Power Grid Corporation of India,
KR.Thoppur, Omalur Taluk,
Salem District.

3.The Junior Engineer,
Power Grid Corporation of India,
KR.Thoppur, Omalur Taluk,
Salem District.

4.V.Rajagopal @ Kannupaiyan .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents 1 to 3 to pay the compensation amount a sum of Rs.1,07,000/- along with interest of 18% per annum in the petitioner Land situated at Survey Nos.182/4G, 183/1A & 183/E Mallikuntham Village, Mettur Taluk, Salem District within a stipulated time frame.

For Petitioner: Mr.A.Esakkiappan

For Respondents: Mrs.Rita Chandrasekaran for
M/s.Aiyar & Dolia for R1 to R3
No appearance for R4

ORDER

The writ petition has been filed seeking a direction to respondents 1 to 3 to pay the compensation amount of Rs.1,07,000/- along with interest of 18% per annum to the petitioner in respect of the land situated at Survey Nos.182/4G, 183/1A & 183/E Mallikuntham Village, Mettur Taluk, Salem District within a stipulated time frame.

2.Learned counsel appearing for the petitioner would submit that it is an admitted case that the petitioner is the absolute owner of the land covered in Survey Nos.182/4G, 183/1A & 183/E situated at Mallikuntham Village, Mettur Taluk, Salem District. While so, the Assistant General Manager, Power Grid Corporation of India, the second respondent herein has erected the High Tension Tower Line from Dharmapuri District to Salem District in the petitioner's land. In this regard, the Junior Engineer, Power Grid Corporation of India, the third respondent herein has removed the trees and crops in the petitioner's land and issued him a compensation certificate as owner of the said land and the second respondent has issued a Cheque for a sum of Rs.5,000/- and the said compensation amount also has been encashed on 02.06.2014 in favour of the petitioner's bank account bearing No.534382651. As the second respondent has calculated an amount of Rs.1,07,000/- towards the cost of damages, the same has not been disbursed till date. Despite a legal notice dated 15.10.2014 sent to the second respondent, till date no action has been taken by him. Thereafter, the petitioner sent a detailed representation on 06.06.2015 to pay the compensation amount of Rs.1,07,000/- along with 18% interest per annum. Finding no response, the petitioner filed a Writ Petition in W.P. No.17377 of 2015 seeking a direction to the second respondent to pay the compensation amount of Rs.1,07,000/- along with interest @ 18% per annum for the cost of damages by considering his representation dated 06.06.2015. This Court, by order dated 08.10.2015 directed the second respondent to pass appropriate orders on the representation dated 06.06.2015 made by the petitioner within a period of eight weeks. In this regard, the second respondent has issued an order dated 14.12.2015 denying disbursement stating that the Village Administrative Officer, Mallikuppam issued the certificate dated 30.09.2014 to the petitioner and his brother, who is the fourth respondent herein, as they are jointly owning the property and also directed the petitioner to submit a valid document towards the title of the property. Thereafter, the petitioner made a representation dated 27.06.2017 along with required document of patta and adangal to the second respondent for settling his compensation amount. Despite the same, the second respondent has

issued a letter dated 01.07.2017 stating that the petitioner has to produce valid documents. Therefore, the petitioner has come to this Court seeking the above direction.

3.At this stage, Mrs.Rita Chandrasekaran, learned Standing Counsel appearing for respondents 1 to 3 would submit that only because of the disputes between the petitioner and his brother, the fourth respondent herein, in respect of the title of the land in question, the hands of the respondents 1 to 3 were tied, otherwise, they could have immediately disbursed the compensation to the petitioner. She would further submit that the petitioner's request for payment of compensation would be considered within a period of six weeks, on the basis of the certificate going to be issued by the Horticulture Department.

4.Accepting the submission made by the learned Standing Counsel appearing for respondents 1 to 3, this Court hereby grants six weeks time from the date of receipt of a copy of this order, to respondents 1 to 3 to pay the compensation to the petitioner based upon the certificate to be issued by the Horticulture Department. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Engineer,
Power Grid Corporation of India,
No.17/4G Vivekanantha Street,
Gandhi Nagar, Nasiyoor Road,
Erode.

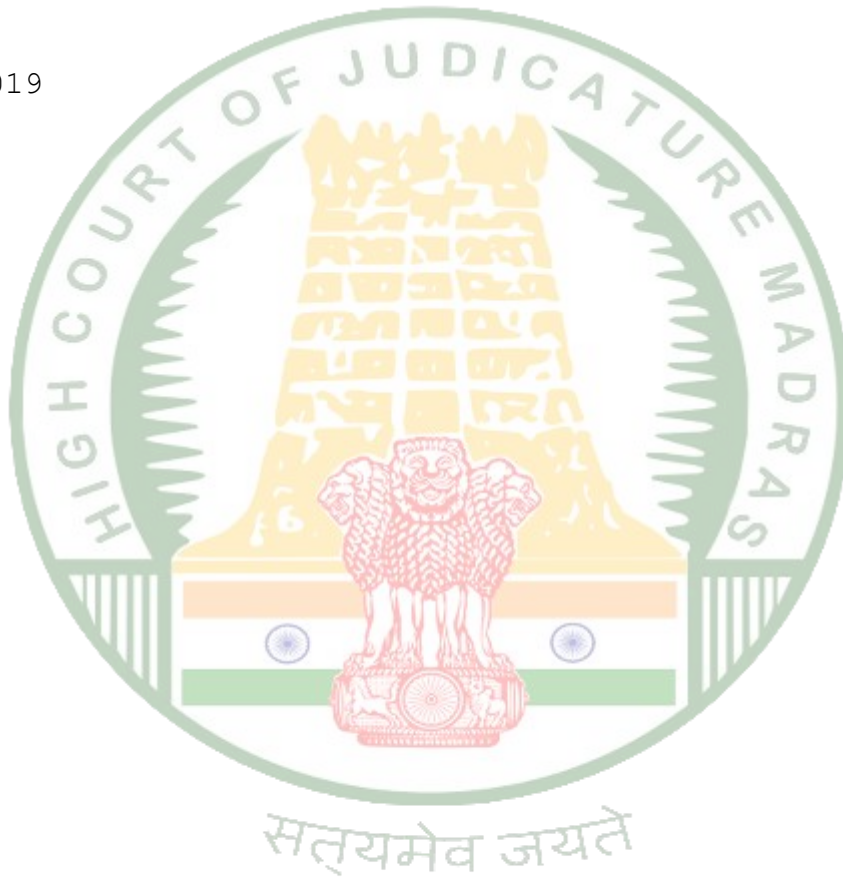
2.The Assistant General Manager,
Power Grid Corporation of India,
KR.Thoppur, Omalur Taluk,
Salem District.

3.The Junior Engineer,
Power Grid Corporation of India,
KR.Thoppur, Omalur Taluk,
Salem District.

+1cc to Mr.Aiyar & Dolia, Advoate Sr.34595
+1cc to Mr.A.M.Esakkiappan, Advocate Sr.34550

W.P. No.7952 of 2018

srg 6/5/2019



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