

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.11.2019

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WRIT PETITION NO.29410 OF 2019

AND

W.M.P.NOS.29250 AND 29251 OF 2019

P.Mahalingam

... Petitioner

Versus

1. The Collector,
Dharmapuri District,
2. The Revenue Divisional Officer,
Dharmapuri
3. The Tahsildar,
Dharmapuri Taluk, Dharmapuri
4. The General Manager,
Power Grid Corporation of India,
Sankari, Salem District

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of rejection in Na.Ka.No.19951/2019/P2, dated 11.06.2019 passed by the 1st respondent quash the same and direct the respondents to enhance the compensation amount and till such time direct the respondents not to erect transmission line 800KV HYDC or pass through over the agricultural land of the petitioner situated in Survey Nos.936/2 of Konangihalli Village, Dharmapuri Taluk (Patta No.835) to the extent of 2.36 acres.

For Petitioner .. Mr.V.Elangovan

For R1 to R3 .. Mr.N.Inbanathan,
Additional Government Pleader

For R4 .. Mr.Kalyanaraman
For M/s.Aiya & Dolia

O R D E R

This Writ Petition is filed to call for the records relating to the order of rejection in Na.Ka.No.19951/2019/P2, dated 11.06.2019 passed by the 1st respondent quash the same and direct the respondents to enhance the compensation amount and till such time direct the respondents not to erect transmission line 800KV HYDC or pass through over the agricultural land of the petitioner situated in Survey Nos.936/2 of Konangihalli Village, Dharmapuri Taluk (Patta No.835) to the extent of 2.36 acres.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

3. The petitioner herein is aggrieved by the quantum of compensation given to him for damage cause while erecting towers for the power line 800KV HYDC. It is stated in his affidavit that the tower line passing through his land to an extent of 2.3 acres whereas, the compensation has given to him is not adequate and the representation given by him for enhancing the compensation not at all consider. Hence, he has filed this Writ Petition seeking Writ of Certiorarified Mandamus challenging the enter upon permission granted by the first respondent-District Collector on the ground that without making adequate compensation erection of transmission line should not be carried on in his land.

4. The contention of the petitioner cannot be countenanced at this stage since under Section 16(1) of the Indian Telegraphs Act, the first respondent-District Collector has gone through the merits of the objection and necessity to erect the tower line in the particular route has granted enter upon permission to the respondent by rejecting the objection of the petitioner herein. The respondents have also commence the erection work.

5. Now, the petitioner is entitled for the just and adequate compensation for the damages caused. When the matter came up for consideration earlier the petitioner counsel sought for the worksheet regarding the arrival of compensation given to the petitioner.

6. The learned Standing Counsel appearing for the Power Grid Corporation submitted that already a sum of Rs.571344/- has been paid to the petitioner towards compensation and the worksheet for arriving the said compensation also been furnished to the petitioner's counsel.

7. In the said circumstances, the petitioner if not

satisfied with the compensation amount shall workout his remedy before the Civil Court as contemplated under Section 16(4) of the Indian Telegraphs Act.

8. With these observations, this Writ Petition is disposed of. No costs. Consequently, connected W.M.Ps are closed.

Sd/-
Assistant Registrar(CS-I)

//True Copy//

Sub Assistant Registrar

nvi

To

1. The Collector,
Dharmapuri District,
2. The Revenue Divisional Officer,
Dharmapuri
3. The Tahsildar,
Dharmapuri Taluk, Dharmapuri
4. The General Manager,
Power Grid Corporation of India,
Sankari, Salem District.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.95780
+lcc to M/s.Aiya & Dolia, Advocate, S.R.No.98929
+lcc to the Government Pleader, S.R.No.96083

Writ Petition No.29410 of 2019 and
W.M.P.Nos.29250 and 29251 of 2019

PA(CO)
CS/17/12/2019

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