



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD)No.17968 of 2019

S.Murugan

... Petitioner

-Vs-

1.The District Collector
Office of the Collectrate
Tuticorin

2.The Superintendent of Police
Office of the Superintendent of Police
Tuticorin District

3.The Superintendent of Engineer
Wind Form TNEB, TANGED Co., Ltd.,
Tuticorin District

4.The Inspector of Police
Murappa Nadu Police Station
Murappa Nadu, Tuticorin District

5.M/s.Mythra Energy Private Limited,
SR Complex, 3rd Floor
Avinash Road, Coimbatore
Tamil Nadu 641 018

6.M/s.Kshma Power & Infrastructure Company Private Ltd.,
Vadakkusubramaniam
Kayathar, Tamil Nadu 628 952

... Respondents

Prayer: This Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents nos.1, 5 and 6 to award suitable compensation for illegal erecting, transmitting the EB Line in the petitioner Punjai Land in Survey No.180, 184/2 of Ulakkudi Village, Srivaikundam Taluk, Tirunelveli District based on consideration of his representation dated 31.05.2019.



For Petitioner	: Mr.V.Muthuvelan
For Respondent Nos.1,2 & 4	: Mr.M.Rajarajan, Government Advocate
For Respondent No.3	:Mr.G.Kasinatha Durai Standing Counsel for TNEB

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ORDER

The Writ petition has been filed for a direction, directing the respondents nos.1, 5 and 6 to award suitable compensation for illegal erecting, transmitting the EB Line in the petitioner's Punjai Land in Survey No.180, 184/2 of Ulakkudi Village, Srivaikundam Taluk, Tirunelveli District based on consideration of the petitioner's representation dated 31.05.2019.

2.The Petitioner is the owner of Punja land in Survery Nos.180, 184/2, Ulakkudi Village, Srivaikundam Taluk, Tirunelveli District. The grievance of the petitioner is that, without his permission, the respondent Nos. 5 and 6 had illegally trespassed into his Punja land and erected E.B.Pole for transmitting the electricity power. Due to that, on 31.05.2019, the petitioner made a representation to the first respondent, the District Collector, Tuticorin District for suitable compensation. As per Section 10 of the Indian Telegraph Act, when the erection is resisted or obstructed, the District Magistrate shall enquire into the matter after giving notice to the parties and decide on the compensation to be given to the land owner. Accordingly, the petitioner is entitled to get compensation as may be decided by the District Collector .

3.The learned counsel appearing for the third respondent, on instructions, would submit that they have not erected any pole in the petitioner's land. Transmission of electric power in favour of the Respondent Nos.5 & 6 is under the control of the Power Grid Corporation of India. Therefore, the petitioner shall get compensation only from the Power Grid Corporation of India.

4.The aforesaid submission made by the learned Counsel for the third respondent is recorded.

5.Be that as it may, the petitioner has to approach the first respondent only for getting compensation and the first respondent will enquire the matter and award compensation to the petitioner. Accordingly, a direction is issued to the District Collector, Tuticorin District to consider the representation of the petitioner dated 31.05.2019 in respect of award of compensation, after notice of hearing to the respondent Nos. 5, 6 and the Power Grid Corporation of India. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this order.



6.With the above direction, this Writ Petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar ()

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Office of the Collectrate,
Tuticorin.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Tuticorin District.
- 3.The Superintendent of Engineer
Wind Form TNEB, TANGED Co., Ltd.,
Tuticorin District
- 4.The Inspector of Police,
Murappa Nadu Police Station,
Murappa Nadu, Tuticorin District.

+1 CC to Mr.V.MUTHUVELAN, Advocate SR-87056.
+1 CC to SPL GP SR-87228.
+1 CC to M/s.G.KASINATHA DURAI, Advocate SR-86979.

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