



WEB COPY

W.P.(MD)No.11192 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11192 of 2020

and

WMP (MD)No.9774 of 2020

P.Yesudasan

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil - 1.
- 2.The Chariman,
Tamil Nadu Electricity Board,
Annasalai,
Chennai - 600 002.
- 3.The Chief Executive Engineer,
Tamil Nadu Electricity Board,
Nagercoil,
Kanyakumari District.
- 4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Nagercoil, Kanyakumari District.
- 5.The Assistant Executive Engineer,
High Tension Electricity Line (Construction of Tower),
Tamil Nadu Electricity Board,
Parvathipuram, Nagercoil,
Kanyakumari District.
- 6.The Assistant Executive Engineer,
Distribution Section,
Tamil Nadu Electricity Board,
Sooriacode Post,
Kanyakumari District

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 5th respondent in உ.செ.மொ./மெ.பி.வ.க./நாகர்./அ.197/2018 letter dated 03.12.2018 and to quash the same and direct the Respondents to fix compensation to the petitioner's property of 45 cents in Resurvey No.357/8 and 24 cents in 358/1A1 of Methukummil Village, Vilavancode Taluk, Kanyakumari District, and to pay the enhanced compensation within the time stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.M.R.Srinivasan
For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

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Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the respondents 2 to 6.

2.Over the petitioner's land, high tension lines were drawn. The petitioner was put to loss. However, the contesting respondents had paid certain amount as compensation. The petitioner is having grievance as regards the sufficiency of compensation. He therefore applied to the 5th respondent for payment of a higher sum. The petitioner's request was rejected by the impugned order dated 03.12.2018. The petitioner challenges the same. I wanted to know, as to why the petitioner has moved this Court belatedly. It appears that the petitioner had entrusted to papers to a local counsel and that is said to be cause of delay. I do not want to go to this aspects of the matter. If the petitioner is aggrieved by the quantum of compensation, he has to necessarily move the District Court under Section 16 of the Indian Telegraph Act. When a statutory remedy has been provided to the petitioner it is not open to the petitioner to move this Court to invoke writ judication. Therefore, the writ petition is dismissed by relegating the statutory remedy. The petitioner's counsel states that within a period of four weeks, the petitioner will move the District Court in terms of Section 16 of the Indian Telegraph Act, claiming higher compensation. If such a petition is filed within a period of four weeks from the date of receipt of a copy of this order, I am certain that the Court below will view, the petitioner's case for condonation of delay with indulgence. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

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- +1 CC to M/s.M.R. SREENIVASAN, Advocate (SR-16462[F] dated
10/09/2020)

W.P. (MD) No.11192 of 2020
09.09.2020

KB(18.09.2020) 3P 8C