



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2020

CORAM:

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THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.18113 of 2015

C.K.Murugan

.. Petitioner

Vs.

1.The District Collector,
District Collector Campus,
Dindigul District.

2.The Tahsildar,
Dindigul Taluk,
Dindigul District.

3.The Assistant Engineer,
Transmission Line Construction,
Tamil Nadu Transmission Corporation,
Dindigul.

.. Respondents

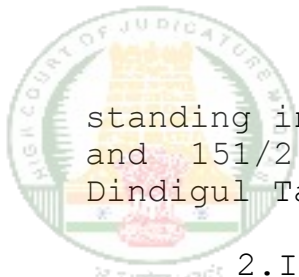
Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents herein to pay the compensation payable to the petitioner as per the Valuation Statements issued by the 2nd respondent amounting to Rs.17,97,925/- together with interest from the date of cutting of the petitioner's trees standing in the Survey Fields in Survey Nos.148/1 and 151/2 situated at Mangarai Village, Reddiarchathiram Via, Dindigul Taluk and District and till the date of final payment, within the time stipulated by this Court on the basis of his representation, dated 11.07.2015.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.A.Thiyagarajan for R1 and R2
Government Advocate
Mrs.S.Srimathy for R3

ORDER

This writ petition is filed for issuance of Writ of Mandamus, directing the respondents to pay compensation to the petitioner as per the Valuation Statements issued by the 2nd respondent together with interest from the date of cutting of the petitioner's trees



standing in the land belonging to the petitioner in Survey Nos.148/1 and 151/2 situated at Mangarai Village, Reddiarchathiram Via, Dindigul Taluk and District.

2.It is not in dispute that the third respondent in connection with laying of 400 KW DC Line from Thappakundu Araikadvu 500 KVSS, more fully wanted to install a High Voltage Tower line to transmit electricity. It is stated by the petitioner that about 140 coconut trees, neem trees and other crops were removed while carrying out the installation of transmission tower. The crop cultivated by the petitioner also stated to be damaged. Before cutting the trees, it appears that there was an inspection by the second respondent who was asked to value the trees. It is also admitted that the Tahsildar made an inspection at the request of the third respondent and arrived at the value of trees cut and removed. A sum of Rs.17,97,925/- has been arrived at by the Tahsildar as per the statements. The petitioner finding that the amount fixed by the Tahsildar was not paid by the third respondent, has filed the above writ petition.

3.The learned counsel appearing for the third respondent has submitted that the third respondent has no issue regarding the number of trees cut and removed from the petitioner's property and the value as fixed by the Tahsildar / the second respondent herein. However, the concern of the third respondent appears to be based on the apprehensions as there is likelihood of some third party claiming right to the property for the trees which have been cut and removed.

4.No records are produced to show that any one else has interest or right in respect of the land. It is to be noted that claim has been raised only by the petitioner seeking compensation. One Sirumani though made an objection, it appears that no document is produced by the said Sirumani to substantiate his case. The petitioner produced before this Court, the title documents and revenue records to show that the petitioner is the owner of the property. The third respondent expect a survey by Tahsildar or Village Administrative Officer to satisfy that the trees were cut and removed only from the petitioner's land. Since the Tahsildar is already a party as second respondent, this Court is of the view that a direction can be issued to the second respondent, so that the respondent may not have any difficulty in future on account of any possible claim as strangers.

5.Hence, the second respondent is directed to make an inspection with Taluk Surveyor and Village Administrative Officer and to survey the land of the petitioner in which the trees are cut and removed by the third respondent. This exercise shall be completed by the second respondent within a period of six weeks from the date of receipt of a copy of this order. Based on the report of the second respondent, the third respondent may disburse the compensation



amount without any further adjudication.

6.This writ petition is allowed with the above directions. No costs.

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Assistant Registrar(AD I)

/ /2020
Sub Assistant Registrar

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To

1.The District Collector, District Collector Campus,
Dindigul District.

2.The Tahsildar, Dindigul Taluk, Dindigul District.

3.The Assistant Engineer,
Transmission Line Construction,
Tamil Nadu Transmission Corporation,
Dindigul.

+1 CC to M/s.SPL GP (SR-8897[F] dated 27/02/2020)

+1 CC to M/s.J.LAWRENCE, Advocate (SR-8356[F] dated 26/02/2020)

+1 CC to M/s.S.M.S.JOHNNEY BASHA, Advocate (SR-8532[F] dated
26/02/2020)

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AP(17.03.2020) 3P 7C