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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO. 2921 OF 2021

1.Chinnarasu
2.Venkataraman
3.Madhaiyan

..Petitioners

Vs

1.The District Collector,
Dharmapuri District.

2.The District Revenue Officer,
Dharmapuri.

3.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

4. Power Grid Corporation of India Ltd.,
Represented by
The Managing Director,
B-9, Qutab Institutional Area, Katwaria Sarai,
New Delhi-110016.

5.The Power Grid Corporation of India Limited,
Southern Region-II,
Represented by its General Manager,
No.185, TNHB Phase -II,
Dharmapuri Main Road,
Thirupattur-635601

..Respondents



Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of Mandamus, directing the respondents to assess determine and pay the compensation in compliance with undertaking given in the proceedings dated 13.05.2020 and 04.08.2020 made by of 3rd respondent in Na. Ka. No. 20 / 2020 / A1.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.A.Selvendran, GA- R1 to R3

: Mr.Kalyanaranam

For M/s.Aiyar & Dolia - R4 & R5

O R D E R

This writ petition has been filed for the issue of writ of mandamus, directing the respondents to assess and determine the compensation payable to the petitioner and to pay the compensation within the time limit prescribed by this Court.

2. The case of the petitioners is that the 4th & 5th respondents had undertaken the work of drawing transmission line over the property belonging to the petitioners and the same had caused damage and loss to the lands and crops/trees of the petitioners and hence the petitioners wanted the respondents to pay the compensation for the loss sustained by them.

3. The 4th & 5th respondents have filed counter affidavit. The relevant portions in the counter affidavit are extracted hereunder;

"9. I submit that while carrying out the stringing works in the land belonging to the 1st Petitioner, sapota saplings numbering 30 aged 1 year, drumstick saplings numbering 40 aged 1 year and turmeric crop in an extent of 786 sq. meters got damaged. In that behalf, damages caused were assessed in the presence of the 1st Petitioner and a sum of Rs.30,500/- was paid to the 1st Petitioner towards tree compensation and a sum of



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Rs.23,128/- was paid towards crop compensation as per the valuation orders of the Horticulture Department. Thus in all a sum of Rs.53,628/- was paid to the 1st Petitioner towards crops/ tree compensation.

10. As far as the 2nd Petitioner is concerned, while carrying out the stringing works in his land, drumstick saplings numbering 50, aged 1 year, drumstick saplings numbering 57, aged 7 months and turmeric crop in an extent of 576 sq. meters got damaged. In that behalf, damages caused were assessed in the presence of the 2nd Petitioner and a sum of Rs.78,500/- was paid to the 2nd Petitioner towards tree compensation and a sum of Rs.17,079/- was paid towards crop compensation as per the valuation orders of the Horticulture Department. Thus in all a sum of Rs.95,579/- was paid to the 2nd Petitioner towards crops/ tree compensation.

11. As far as the 3rd Petitioner is concerned, while carrying on the stringing works in his land, sapota saplings numbering 40, aged 1 year, papaya numbering 20, aged 1 year, drumstick saplings numbering 160, aged 1 year and turmeric crop in an extent of 396 sq. meters got damages. In that behalf, damages caused were assessed in his presence and a sum of Rs.1,06,000/- was paid to the 2nd Petitioner towards tree compensation and a sum of Rs.11,742/- was paid towards crop compensation on the basis of valuation orders of the Horticulture Department. Thus in all a sum of Rs.1,17,742/- was paid to the 3rd Petitioner towards crops/tree compensation.

12. I state that the compensation amount as referred to above, were made to the Petitioners during the months of January/February/March 2020. I state the compensation amount relating to trees/crops were received by the Petitioners without any demur or protest. The compensation amount were paid over to the Petitioners through RTGS. The allegation contained in Para 6 of the affidavit that the compensation amount were disbursed without assessment and final determination of



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compensation is incorrect and the allegation to the contra is made by the Petitioner with a view to mislead this Hon'ble Court. As already stated, the damages caused were assessed by the authorities concerned and the compensation in relation thereto were paid over to the Petitioners.

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17. I respectfully state that the land compensation payable to the Petitioners herein in terms of the G.O.Ms.No.86 dated 30.10.2019 was determined by the 1st Respondent herein during the month of October 2020. The land compensation payable to the 1st Petitioner was assessed for a sum of Rs.21,492/-. As far as 2nd and 3rd Petitioners are concerned, the same were assessed for a sum of Rs.52,579/- and Rs.84,122/- respectively. I state that for making over the payment of the land compensation, the Petitioners has to submit documents before the Tahsildar concerned for certification and for disbursal of compensation by this Respondent Corporation. I submit that till date the Petitioners has not furnished the documents to the authority concerned. On account of the same, the amount payable by way of land compensation could not be disbursed. I respectfully state that this Respondent undertakes to deposit the land compensation determined in respect of the Petitioner, if so directed by this Hon'ble Court."

4. The learned counsel for the petitioner submitted that insofar as the compensation for the crops and trees, the same has been paid to the petitioners. The learned counsel further submitted that the dispute was only with regard to the land compensation. The learned counsel by pointing out the counter affidavit filed by the 4th & 5th respondents, submitted that the petitioners will submit all the documents as required before the Tahsildar and will receive the compensation that has been fixed. The learned counsel further submitted that this compensation will be received by the petitioners without prejudice to their rights to seek for enhancement of compensation under the relevant enactment.



5. The learned counsel appearing on behalf of the 4th & 5th respondents submitted that insofar as these respondents are concerned, the entire compensation has been paid and there is no other liability that is left to be fulfilled by these respondents.

6. The learned Government Advocate appearing on behalf of the respondents 1 to 3 submitted that the compensation payable by the 4th & 5th respondents will be paid to the petitioners subject to the petitioners furnishing the relevant documents and establishing their rights.

7. In view of the specific stand taken by the respondents 4 & 5 in the counter affidavit and the submissions made on either side, there shall be a direction to the petitioners to submit the relevant documents before the 3rd respondent namely the Tahsildar, Pennagaram Taluk, Dharmapuri District and the Tahsildar on receipt of the same, shall scrutinise the documents and the bank details given by the petitioners shall be furnished to the 4th & 5th respondents and the compensation amount shall be transferred to the bank account of the petitioners. This process shall be completed within a period of two weeks from the date of receipt of a copy of this order. If any interest is payable for the delayed payment of compensation, the same shall also be paid by the 4th & 5th respondents.

8. If the petitioners are not satisfied with the compensation determined towards land compensation, it is left open to the petitioners to agitate in the manner known to law before the concerned District Court.

9. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Dharmapuri District.

2.The District Revenue Officer,
Dharmapuri.

3.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

+1cc to Mr.R.Prabakar, Advocate, S.R.No.39605

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.39707

+1cc to the Government Pleader, S.R.No.39758

W.P.No. 2921 of 2021

PL(CO)
RLP(17/09/2021)