

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 5.2.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.2470 of 2021

S.Subbarayan

Petitioner

vs.

1. The District Collector,
Salem District, Salem.
2. The Village Administrative Officer,
Pattuthurai Village,
Attur Taluk, Salem District.
3. Power Grid NM Transmission Ltd.
(A fully owned Subsidiary of
Power Grid Corporation of India Ltd.,
a Govt. of India Enterprises),
No.499, K.V.Sub Station, Kanakkapadi PO,
K.R.Thppur, Salem 636 502. rep. by its
Junior Engineer.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to hand over the demand draft for a sum of Rs.4,74,350/- to the petitioner for cutting of 31 coconut trees and one mango tree in the agricultural land comprised in S.F.No.236/5 and S.F.No.236/7 of Sivasankarapuram, Pattuthurai Village, Attur Taluk, Salem District arrived as the loss for the formation of Nagapattinam Pooling Station, New Salem Dharmapuri 765KV F/C transmission line.

For Petitioner : Mr.Shangar Murali

For Respondent : No Appearance

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ORDER

This writ petition is filed as against the orders of the first respondent, District Collector dated 16.3.2020 with regard to the request of this petitioner for paying compensation for removal of the trees in the petitioner's land while erecting High Tension Towers in the petitioner's land.

2. By the impugned order, the District Collector has made it clear that the land, which the petitioner claims as his own land, is classified as Odai and this petitioner has obtained patta by producing certain bogus records and that was also taken by the competent authority vide his proceedings No.2029/2004 C1 dated 24.9.2004 and the patta granted in the name of the petitioner was cancelled already. As against the same, the petitioner has preferred a writ petition before this court in W.P.No.37743 of 2015 and the same was disposed on 12.2.2016 with a direction to the District Collector to consider the case of the petitioner once again and take a decision on his representation. Based on those orders of the court, the District Collector has conducted a further enquiry with regard to the claim made by this petitioner and the ownership of the land and has also passed a detailed order cancelling the patta issued in favour of the petitioner and classifying the land as Odai Poramboke and directed the Revenue Officials to recover the land and to register in the Revenue records.

3. The case of the petitioner is that in the said land, there were certain trees and he was enjoying the same by 2C patta and therefore, atleast in respect of the trees, the petitioner is entitled to compensation.

4. While passing the impugned order, the District Collector, by referring the relevant Revenue Standing Orders No.196-1(VI), observed that the Government will have a right to remove the tree when necessary, without liability to grant any compensation and has taken a decision and rejected the request of the petitioner for the compensation in respect of the trees as well as the land. Aggrieved over the same, this writ petition is filed.

5. As on date, the orders of the District Collector stands and the patta issued in favour of the petitioner has been cancelled on the ground that it has been obtained by producing certain bogus records.

6. However Mr.Shangar Murali, learned counsel for the petitioner submits that he filed an Appeal as against the orders of the District Collector and therefore, his right is not yet taken away. He also requested the permission of the court to

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withdraw the present writ petition with liberty to challenge the impugned order as and when he succeeds in the Appeal filed by the petitioner as against the orders of the District Collector cancelling the patta issued to the petitioner.

7. This writ petition is dismissed as withdrawn with liberty to the petitioner to renew his request for compensation if he succeeds in the Appeal and establishes his right over the property. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The District Collector,
Salem District, Salem.
2. The Village Administrative Officer,
Pattuthurai Village,
Attur Taluk, Salem District.

W.P.No.2470 of 2021

RR(CO)
CB(02/03/2021)



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