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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 598 of 2015

K.Nagarajan,
Rep.by Power of Attorney,
K.Kanagaraju,

...Petitioner

Vs

1.The Chairman,
Tamil Nadu Transmission Corporation,
(TANTRANSCO),
No.144, Annasalai,
Chennai-600002.

2.The Superintendent Engineer,
General Construction Circle- I,
TANTRANSCO,
A-10, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai-600032.

3.The Managing Director,
JEPPIAR Furnace & Steel Pvt. Ltd.,
Factory at Kunnavakkam Village,
Panruti (Via),
Kancheepuram Taluk and District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of mandamus, directing the respondents to jointly or severally pay the compensation for the loss caused to the petitioner by erection of the Transmission Tower and drawing of transmission lines across Plot Numbers 1 and Plot 7, Venkatesapuri Layout, Kunnavakkam Village, Kancheepuram - Taluk and District at the rate of the land value as prevalent on the date of the representation dated 19.10.2014 along with interest up to the date of payment of the said compensation.

For Petitioner : Mr.P.Srinivas

For Respondent No.1 & 2 : Mr.Madhusudanan, TNEB



O R D E R

The prayer sought for by the petitioner is to direct the respondents to jointly or severally pay the compensation for the loss caused to the petitioner by erection of the Transmission Tower and drawing of transmission lines across the petitioner's land by considering the petitioner's representation dated 19.10.2014.

2. The learned counsel appearing for the petitioner has submitted that the petitioner is the owner of the plot numbers 1 and 7 in Venkatesapuri Layout, Kunnavakkam Village. The petitioner had purchased the said plots in the year 2007. In the year 2011, the 3rd respondent has erected the High Transmission line on his plot no.1 and the said line was also passed over his other plot no.7. The petitioner has made representation to the 2nd & 3rd respondents on 19.10.2014. So far no action has been taken on the representation of the petitioner, hence the present writ petition is filed seeking direction to the respondents.

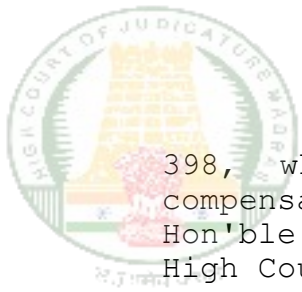
3. The 2nd respondent has filed the counter affidavit stating that the subject matter of the lands are lying vacant and therefore, the question of damages does not arise and there is no actual loss to the petitioner for taking over head High Transmission Line on the petitioner's land.

4. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1&2 and perused the records.

5. On perusal of records, it is seen that the District Collector and District Magistrate, Kancheepuram District by their proceedings made in RC.46408/2008/M1, dtd 28.01.2009 had observed that "as per the Indian Telegraphic Act, compensation is payable only when actual loss suffered by the party, like trees had to be cut or certain structures had to be altered or demolished".

6. The learned standing counsel appearing for the respondent relied upon the decision of the Hon'ble Supreme Court reported in 2007 (6) SCC 792, wherein the Hon'ble Supreme Court has held that "the value of the land would also be a relevant factors where the owner of the land lose his substantive right to use the property for the purpose for which the same was meant to be used".

7. The learned standing counsel also relied upon the decision of the Hon'ble Supreme Court reported in 2008 (5) SCC



398, wherein the Hon'ble Supreme Court has confirmed the compensation by the following the earlier decisions of the Hon'ble Supreme Court and set aside the impugned order of the High Court and remitted the matter for fresh consideration.

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8. According to the learned counsel for the petitioner, in view of the aforesaid judgments of the Hon'ble Supreme Court, the petitioner herein is also entitled to get compensation for the damages to his land.

9. The contention of the learned standing counsel appearing for the respondents is that the petitioner has already approached the competent authority viz., District Collector and District Magistrate, Kancheepuram for the damages suffered by him. The learned counsel appearing for the petitioner objected the said contention of the respondent and submitted that the persons who earlier approached the authority are the other land owners and the petitioner herein was not aware of the entire proceedings till he submitted his representation before the authority concerned.

10. In the light of the decisions of the Hon'ble Supreme Court cited supra and taking serious note of the fact that the petitioner's representation seeking relief for the damages for his land is pending for more than seven years before the authority concerned, this Court is inclined to issue following directions;

- (i).The petitioner shall produce a copy of his representation dated 19.10.2014 before the District Collector, Kancheepuram District, within a period of two weeks from the date of receipt of a copy of this order.
- (ii).On receipt of such representation, the District Collector, Kancheepuram District shall consider the same and pass appropriate orders, after providing opportunity to the petitioner, as expeditiously as possible by taking note of the decisions of the Hon'ble Supreme Court cited supra.
- (iii).With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



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To

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1. The Chairman,
Tamil Nadu Transmission Corporation,
(TANTRANSCO),
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Chennai-600002.
2. The Superintendent Engineer,
General Construction Circle- I,
TANTRANSCO,
A-10, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai-600032.
3. The Managing Director,
JEPPIAR Furnace & Steel Pvt. Ltd.,
Factory at Kunnavakkam Village,
Panruti (Via),
Kancheepuram Taluk and District.

Copy to

The District Collector,
Kancheepuram.

+1cc to Mr.P.Srinivas, Advocate Sr.34363

+1cc to Mr.B.Madhusudanan, Advocate Sr.33777

W.P.No. 598 of 2015

pch[col]
srg 18/08/2021