



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17468 of 2021
and W.M.P.No.18549 of 2021

S.Duraisamy

...Petitioner

-Vs-

1. The District Collector / Competent Authority
Tiruppur District, Tiruppur.
2. Tamil Nadu Transmission Corporation Limited
(TANTRANSCO) rep.by its Managing Director
144, Anna Salai, Chennai.
3. The Superintending Engineer
General Construction Circle, Tatabad
Coimbatore - 641 012.

...Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in his proceedings in R.C.No.19116/2020/E5 dated 30.07.2021 and quash the proceedings dated 30.07.2021 and consequently direct the respondents to pay compensation to the petitioner before utilizing the petitioner's property measuring about 3.60 acres in S.F.No.231/1C1 (Old No.231/1) and 3.5 Cents in S.F.No.230/1 at Jodhampatti Village, Madathukulam Taluk, Tiruppur District for construction of HT Electricity Towers and Lines.

For Petitioner : Mr.M.Sivavarthanan
For Respondents : Mr.A.Selvendiran,
Government Advocate - for R1
Mr.S.Madhusudanan,
Standing Counsel - for R2&3

O R D E R

The subject matter of challenge in the present writ petition pertains to the proceedings of the first respondent dated 30.07.2021 and for a consequential direction to the respondents to pay compensation to the petitioner before the property belonging to the petitioner is utilised for the purpose of erecting High Tension electricity towers and drawing lines.



2. The case of the petitioner is that, he is owning certain agricultural lands. The second respondent was in the process of erecting high tension towers pursuant to a project that is undertaken for strengthening of intra-state transmission network of Annikadavu-Theppagundu-Maivaadi 400 KV Substation. The second respondent also attempted to lay a tower in the agricultural land belonging to the petitioner. Immediately, the petitioner made a representation requesting for payment of compensation. Since the representation did not evoke any response, the petitioner approached this Court and filed W.P.No.11728 of 2020 seeking for appropriate directions.

3. The above writ petition was disposed of by this Court by order dated 24.09.2020 directing the District Collector to consider the representation made by the petitioner and to pass orders within a period of four weeks from the date of receipt of a copy of this order. This Court also passed an order of status quo till final orders are passed by the first respondent.

4. Pursuant to the above orders, the first respondent has proceeded to pass the impugned order dated 30.07.2021 giving right of entry to the second respondent in exercise of powers under Section 16 of the Indian Telegraph Act 1885 (hereinafter referred to as 'the Act').

5. The grievance of the petitioner is that, the respondents had informed the petitioner that a compensation of Rs.12,48,183/- will be paid to the petitioner and the petitioner was also asked to give the bank details. However, without disbursing this compensation amount, the respondents were proceeding to lay the tower on the basis of the order passed by the first respondent on 30.07.2021. Aggrieved by the same, the present writ petition has been filed before this Court.

6. Heard Mr.M.Sivavarthanan, learned counsel for the petitioner, Mr.A.Selvendiran, learned Government Advocate appearing for the first respondent and Mr.S.Madhusudanan, learned Standing Counsel for the respondents 2 and 3.

7. The first respondent, through the impugned proceedings dated 30.07.2021, has permitted the second respondent to enter upon the property of the petitioner and carry on with the work. Such an order has been passed by virtue of the powers conferred under Section 16 of the Act. Insofar as the compensation is concerned, the same requires to be determined by the Collector after getting the particulars from the appropriate departments. If the owner of the property is not satisfied with the compensation determined by the Collector, a right has been



the petitioner to receive the compensation must also be ensured based on the damage suffered by the petitioner after the work is completed by the respondent Corporation.

12. In view of the above, even though this Court is not inclined to interfere with the impugned proceedings of the first respondent, there shall be a direction to the first respondent to determine the compensation within a period of four weeks from the date on which the work is completed by the second respondent Corporation and materials are placed substantiating the damages suffered by the petitioner. The compensation fixed by the first respondent shall be immediately paid to the petitioner and if the petitioner is not satisfied with the compensation, it is always open to the petitioner to work out his remedy under Section 16(3) of the Act and redress his grievance.

13. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KST

To

1. The District Collector / Competent Authority
Tiruppur District,
Tiruppur.
2. Tamil Nadu Transmission Corporation Limited
(TANTRANSCO) rep.by its Managing Director
144, Anna Salai,
Chennai.
3. The Superintending Engineer
General Construction Circle, Tatabad
Coimbatore - 641 012.

+1cc to Mr.M.Siva Varthanan, Advocate, S.R.No.42975
+1cc to the Government Pleader, S.R.No.43032

W.P.No.17468 of 2021
& WMP No.18549 of 2021

PCH[co]
NSK 14/09/2021