



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.21456 OF 2019

AND

W.M.P.NO.20656 OF 2019

S.Sathish Kumar

... Petitioner

.Vs.

1. The Power Grid Corporation of India,
No.185, Tamil Nadu Housing Board
Phase II, Dharmapuri Main Road,
Thirupathur, Vellore District.

2. The Village Administrative Officer,
Moongapatu Village,
Gudiyatham Taluk,
Vellore District.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the First Respondent to pay Compensation to the Petitioner and his Brothers in respect of removing of 18 Coconut Trees situated in Survey No.17/6 with an Exent of 0.61 Acre 16/2B with an Extent of 1.48 Acre 16/2B with an Extent of 1.48 Acre 15/1A with an extent of 1.80Acre 15/1A with an Extent of 1.80 Acre 15/1A well situated in 0.05 cent service Connection No 17, 5 HB Motor Coconut Trees 25 Nos, Survey No.11/4A, with an Extent of acre 0.25, 11/4A well Service Connection No.101 7.5 HB Motor Moongapattu village Gudiyatham Taluk Vellore District.

For Petitioner : Mr.T.Sreelekha

For RR1 : Mr.V.Kalyanaraman

For RR2 : No appearance



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the First Respondent to pay Compensation to the Petitioner and his Brothers in respect of removing of 18 Coconut Trees situated in Survey No 17/6 with an Extent of 0.61 Acre 16/2B with an Extent of 1.48 Acre 16/2B with an Extent of 1.48 Acre 15/1A with an extent of 1.80Acre 15/1A with an Extent of 1.80 Acre 15/1A well situated in 0.05 cent service Connection No 17, 5 HB Motor Coconut Trees 25 Nos, Survey No 11/4A, with an Extent of acre 0.25, 11/4A well Service Connection No 101 7.5 HB Motor Moongapattu village Gudiyatham Taluk Vellore District.

2. In view of the limited relief sought for in this petition, On the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner and his brothers are the owners of the property of the above said property and they got the said property by way of a partition deed dated 21.10.1997, between the petitioner and his father late. Sabasivam Gounder. After the death of Sambasivam Gounder, the petitioner and his brother became owners of the said property and they are in possession and enjoyment of the same. While being so, the 1st respondent herein have taken live wires through the above said property and they are paying compensation for the cutting of 18 coconut trees situated in the above said property. However, it is the claim of the petitioner that he and his brother are entitled to get compensation amount to the said coconut trees at Rs.28,500/- per tree and the petitioner approached the first respondent and demanded the compensation amount. In spite of the same, the first respondent did not come forward to settle the amount to the petitioner and his brother and later it came to understand that the said official gave compensation amount to the third person, as if they are the owner of the above said property, without verifying the title. Furthermore, it came to the knowledge of the petitioner that the respondents are going to erect high voltage live wires above the petitioner's land. Therefore, since the request of the petitioner was not considered by the respondents, having left with no other options, he came forward to file this writ petition.

4. Learned counsel appearing for the petitioner, would submit that this it would suffice if this Court issues direction to the 1st respondent to pay compensation to the petitioner, within a particular time frame fixed by this Court and may grant



liberty to file an appropriate petition before the competent forum, if the compensation amount is not adequate.

5. The learned Government Advocate has no objection for said order being passed and he further submitted that the petitioner is one of the co-owners of the said property and the other co-owners had received fair compensation, however, the petitioner has not received the same. He further undertakes to pay compensation to the petitioner.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent to pay compensation to the petitioner, as undertaken, within a period of four weeks from the date of receipt of a copy of this order and further grants liberty to the petitioner to file appropriate petition before the competent forum, if he is not satisfied with the compensation amount. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Power Grid Corporation of India,
No.185, Tamil Nadu Housing Board,
Phase II, Dharmapuri Main Road,
Thirupathur, Vellore District.
2. The Village Administrative Officer,
Moongapatu Village,
Gudiyatham Taluk,
Vellore District.

+1cc to Mr.D.Rajagopal, Advocate, S.R.No.63536

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.62737

W.P.NO.21456 OF 2019

SMI (CO)
PBS/28/12/2021