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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No.19700 of 2021

K.Karunakaran

...Petitioner

Vs

1. The Chief Engineer (Transmission)
TANGEDCO, Tamil Nadu Electricity Board,
6th Floor, 144, Anna Salai
Chennai 600 002.
2. The Junior Engineer/Executive,
Power Grid Corporation of India Limited
No.1, Pachiappa Nagar, T.V.Nallur Road,
Ulundurpet 606107, Villupuram District.
3. The District Collector,
District Collectorate,
Kallakurichi
Kallakurichi District.
4. The Assistant Horticultural Office,
Office of the Horticulture
Thirunavalur
Kallakurichi District.
5. The Village Administrative Officer,
161 Anndikuzhi, Senthanadu Post
Ulundurpet Taluk
Kallakurichi District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings No.Na.Ka.Aa6/4176/2020 dated 05.02.2021 issued by the respondent and quash the same and consequently direct the 3rd respondent to pay fair and just compensation to each tree fell down by the 2nd respondent for erection High Tension Overhead Electricity Line in the petitioner's land.



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For Petitioner : Mr.R.Abdul Samath

For Respondents : Mr.S.Madhusuthanan for R1
standing counsel

Mr.Jayesh Dolia
for M/s.Aiyar & Dolia for R2

Mr.A.Selvendran for R3 to R5
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the District Collector on 05.02.2021 fixing the compensation payable to be petitioner.

2.The second respondent had erected the High Tension Overhead Electricity line over the property belonging to the petitioner and as a result of the same, several trees were cut down and the petitioner sustained loss due to the same. The petitioner therefore, approached the third respondent seeking for compensation and the third respondent by virtue of the proceedings dated 05.02.2021 has fixed the compensation. The petitioner is not satisfied with the quantum of compensation fixed by the third respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioner, learned standing counsel for the first respondent, learned standing counsel for the second respondent and the learned Government Advocate appearing on behalf of the respondents 3 to 5.

4. In the considered view of this Court, if the petitioner is not satisfied with the compensation fixed by the third respondent, the petitioner has an efficacious and alternative remedy under Section 16(3) of the Indian Telegraph Act to seek for enhancement of compensation before the concerned District Court. The petitioner can very well work out his remedy and seek for enhancement of compensation. Except giving this liberty, no further orders can be passed in the present writ petition.



5. This writ petition is disposed of accordingly. No costs. Registry is directed to return back the original order of the third respondent to the learned counsel for the petitioner in order to enable the petitioner to file appropriate application before the concerned District Court.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

RR

To

1. The Chief Engineer (Transmission)
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Ulundurpet Taluk, Kallakurichi District.

COPY TO:

The Section Officer,
ER Section, High Court,
Madras.

- +1 CC to Mr.B.Abdul Samath, Advocate, Sr.No. 47792.
+1 CC to The Government Pleader, Sr.No. 47504.
+1 CC to Mr.S.Madhusudanan, Advocate, Sr.No. 47075.

W.P.No.19700 of 2021

PMK(CO)
PR(07/10/2021)