



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.19625 OF 2021

1. K.M.Venkatachalamurthy
S/o.K.C. Marappa Gounder
Karuppampalayam,
Singanallur Post
Kavindapadi Via
Erode District.

..Petitioner

Vs.

1. The District Collector
Erode District,
Erode.
2. The Executive Engineer
Tamil Nadu Electricity Board
(Tower Line Construction)
Kamaraj Nagar
Athur Bye-Pass Road
Udayarpatti, Salem - 14.
3. The Assistant Executive Engineer
Tamil Nadu Electricity Board
(Tower Line Construction)
Mettur
Salem District.

..Respondents

Prayer:

Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to pay a sum of Rs.54,77,652/- (Rupees fifty four lakh seventy thousand six hundred and fifty two only) towards compensation for the loss of Coconut trees, Cassava and Banana crops on account of erection of electric power transmission lines over the agricultural land of the petitioner during the year 2015 by the second and third respondents within a time frame to be fixed by this Hon'ble Court.



WEB COPY

For Petitioners : Mr.C. Munusamy
For Respondents : Mr.A.Selvendran
Government Advocate for R1
Mr.S.Madhusuthanan
standing counsel for R2, R3

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to pay compensation for the loss sustained by the petitioner due to the erection of electric power transmission lines over the agricultural lands belonging to the petitioner.

2. The specific case of the petitioner is that he had sustained a loss of a sum of Rs.54,77,652/- and whereas only a sum of Rs.7,08,348/- was paid by the respondents. The further case of the petitioner is that the respondents themselves have fixed a particular amount for each coconut tree and considering the total trees that were cut during the process of doing the work, the respondents are bound to pay the compensation to the petitioner. Since the same was not paid, the petitioner also made a representation in this regard on 23.08.2021. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.C.Munusamy, the learned counsel for the petitioner, Mr.A.Selvendran, learned Government counsel for 1st respondent, Mr.S.Madhusuthanan, learned standing counsel for 2nd and 3rd respondents.

4. In the considered view of this Court, the 2nd and 3rd respondents cannot unilaterally decide any compensation payable to the petitioner. The determination of compensation has to be done only by the 1st respondent District Collector under Section 16 of the Indian Telegraph Act. In fact, the 1st respondent is guided by various Government Orders, which provide the basis on which the compensation must be fixed for the loss of crops, trees etc. In view of the same, this Court cannot direct the 2nd and 3rd respondents to pay the compensation as claimed by the petitioner.

5. In view of the above discussion, the petitioner is directed to make a fresh representation to the 1st respondent by clearly explaining the loss sustained by him and seek for the



payment of compensation. The 1st respondent, on receipt of the same, shall determine the compensation in accordance with the guidelines issued by the relevant Government Orders and direct the 2nd and 3rd respondents to pay the compensation to the petitioner. This process shall be completed by the 1st respondent within a period of eight weeks from the date of receipt of the representation from the petitioner. The petitioner, at the time of making the representation, shall also annex a copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

RAP/RR

To

1. The District Collector
Erode District, Erode.
2. The Executive Engineer
Tamil Nadu Electricity Board
(Tower Line Construction)
Kamaraj Nagar, Athur Bye-Pass Road
Udayarpatti, Salem - 14.
3. The Assistant Executive Engineer
Tamil Nadu Electricity Board
(Tower Line Construction)
Mettur
Salem District.

+lcc to Mr.S.Madhusuthanan, Advocate, S.R.No.47076
+lcc to the Government Pleader, S.R.No.47505

W.P.No. 19625 of 2021

SR II (CO)
PM/12/10/2021