



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26067 of 2021

P.Poongothai

..Petitioner

Vs

1. The District Collector Cum Executive Magistrate,
Salem District,
Collectorate, Salem-636 001.
2. The Secretary (CEA),
Central Electricity Authority Seva Bhavan,
R.K.Puram, Sector-1,
New Delhi-110 066.
3. The Chair Person Cum Managing Director,
Power Grid Corporation of India Ltd.,
(Corporate Office)
Saudamini Plot No.2 Sector -29
Near IFFCO Chowk,
Gurgaon, Haryana-122 001.
4. The General Manager,
Power Grid Corporation of India Ltd.,
Sangagiri TLC,
No.3/3/27-B, Bharathi Nagar,
Salem Main Road,
Sankagiri, Salem District,
Tamilnadu-637 301.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the claim of the petitioner with regard to payment of higher compensation, in the light of representation dated 12.08.2021.

For petitioner : M/s. G. Punniakoti
For R-1 : Mrs. C. Sangamithirai,
Special Government Pleader
For R-2 : M/s. N.K. Nithila Vani,
Central Government Counsel



For R-3 : M/s. Kalyanaraman
For R-4 : No Appearance

ORDER

WEB COPY

The present petition has been filed seeking a direction to the respondents to consider the claim of the petitioner with regard to payment of higher compensation, in the light of representation dated 12.08.2021.

2. Mrs. C. Sangamithirai, learned Special Government Pleader takes notice to the 1st respondent, M/s. N.K. Nithila Vani, learned Central Government Counsel takes notice to the 2nd respondent & M/s. Kalyanaraman takes notice to the 3rd respondent.

3. The case of the petitioner is that the 3rd respondent Corporation had installed the transmission towers in various locations including the property belonging to the petitioner. According to the petitioner, a notice was issued on 24.08.2019 and the petitioner was asked to attend the enquiry. Since, the petitioner could not use her property for further use, wherein the transmission towers were erected, the petitioner made a representation dated 13.12.2019 to the 1st respondent herein and the 3rd respondent corporation. Since, the same was not considered, the petitioner filed a Writ Petition in W.P.No.7201 of 2020 before this Court, wherein the 1st Respondent was directed to consider the claim of the petitioner. Pursuant to the said order, after conducting enquiry, the compensation amount to the tune of Rs.32,43,115/- was awarded to the petitioner. Since, the balance amount of compensation of Rs.15,34,067/- was not paid by the respondents, she made a representation dated 12.08.2021 to the respondents, requesting to disburse the balance amount. However, the same has not been considered till date. Hence, the present Writ Petition has been filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the respondents to consider the representation dated 12.08.2021 made by the petitioner with regard to the claim for higher compensation, within the time frame fixed by this Court.

5. Learned Counsel for respondents submits that the Compensation amount to the tune of Rs.32,43,115/- was paid to the petitioner as per the direction of this Court in W.P.No.7201



of 2020. However, the claim of the petitioner for higher compensation in the present petition cannot be acceded to and this Petition deserves to be dismissed.

6. A careful perusal of the materials available on record reveal that this Court vide its order dated 20.03.2020 in W.P.No.7201 of 2020 had directed the 1st respondent herein to pay the compensation amount to the petitioner, pursuant to which, the compensation amount to the tune of Rs.32,43,115/- was paid to the petitioner.

7. In view of the fact that the compensation amount has already been disbursed in favour of the petitioner, the present petition filed before this Court claiming higher compensation cannot be entertained. If at all the petitioner has any grievance with regard to the compensation awarded, it is open for the petitioner to work out her remedy before the competent Civil forum u/s 16(3) of Indian Telegraph Act and filing of Writ Petition before this Court is wholly impermissible as the issue pertains to disputed question of fact which cannot be gone into under Article 226 of the Constitution of India. Hence, the present petition deserves to be dismissed.

8. However, the liberty is granted to the petitioner to work out her remedy before the competent civil forum. Accordingly, this Writ Petition is dismissed with the above observation. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

NHS
To

1. The District Collector Cum Executive Magistrate,
Salem District,
Collectorate, Salem-636 001.
2. The Secretary (CEA),
Central Electricity Authority Seva Bhavan,
R.K.Puram, Sector-1,
New Delhi-110 066.



WEB COPY

3. The Chair Person Cum Managing Director,
Power Grid Corporation of India Ltd.,
(Corporate Office)
Saudamini Plot No.2 Sector -29
Near IFFCO Chowk,
Gurgaon, Haryana-122 001.

4. The General Manager,
Power Grid Corporation of India Ltd.,
Sangagiri TLC,
No.3/3/27-B, Bharathi Nagar,
Salem Main Road,
Sankagiri, Salem District,
Tamilnadu-637 301.

+1 CC to M/s.G. Punniakoti, Advocate sr 64946
+1 CC to M/s. Aiyar & Dolia, Advocate sr 65014
+1 CC to The Government Pleader sr 65270.

W.P.NO.26067 of 2021

KSM(CO)
SP(11/02/2022)