



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32546 of 2019
and
W.M.P.No.32906 of 2019

Karuppaiyee @ Karuppaiyammal

... Petitioner

Vs.

1. The Collector,
Erode District, Erode.
2. The Revenue Divisional Officer,
Erode District.
3. The Tahsildar,
Modakuruchi Tahsildar Office,
Modakuruchi, Erode District.
4. The General Manager,
Power Grid Corporation of India,
Sankari, Salem District.
5. Kuppulakshmi

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or other appropriate writ or order in the nature of writ directing the respondents 1 to 3 to consider and pass orders on representation of the petitioner dated 03.10.2019 and 09.10.2019 and direct the respondents 1 to 3 to disperse the compensation to the petitioner for the damage caused to the agricultural land of the petitioner by the 4th respondent in Survey Nos.408/4, 408/6, 409/5B at Vadukapatti village, Modakuruchi Taluk, Erode District.

For Petitioner	: M/s.V.Elangovan
For Respondents R1 to R3	: Mr.P.Gurunathan Additional Government Pleader
For Respondent R4	: M/S.Rita chandrasekar
For Respondent R5	: M/S.K.Moorthy



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to consider and pass orders on representations of the petitioner dated 03.10.2019 and 09.10.2019 and direct the respondents 1 to 3 to disburse the compensation to the petitioner for the damage caused to the agricultural land of the petitioner by the 4th respondent in Survey Nos.408/4, 408/6, 409/5B at Vadukapatti village, Modakuruchi Taluk, Erode District.

2. The case of the petitioner is that she is the owner of the agricultural land situated in Survey Nos.408/4, 408/6, 409/5B of Vadukapatti village, Modakuruchi Taluk, Erode District (Patta Nos.2331, 2335, 2336, 2337) to the extent of $\frac{1}{2}$ acres. On 07.12.2018, the 4th respondent entered into the petitioner's land and erected transmission line that caused huge damage to the agricultural land of the petitioner. Thereafter, the 2nd and 3rd respondents conducted an inspection and submitted report for fixing compensation. Since, the petitioner was also entitled for compensation for the damage caused by the 4th respondent while erecting the tower line, the respondents concerned arranged to disburse the entire compensation amount only to the 5th respondent, who is the adjacent land owner in Survey Nos.408/5, 48/6, 409/7B, 409/6B, 409/5B. Thereafter, the petitioner made representations dated 03.10.2019 and 09.10.2019 to the respondents 1 to 3 requesting not to disburse the entire amount to the 5th respondent but, no action has been taken. Hence, this Writ Petition.

3.The learned counsel appearing for the respondents 2 and 3 submitted that the 4th respondent has erected transmission line in the disputed property and thereafter, the 3rd respondent assessed the possession and forwarded the same to the 2nd respondent for payment of compensation. After perusal of the entire records, the compensation amount has been disbursed to the 5th respondent since she was entitled for the said property.

4. The learned counsel for the 4th respondent submitted that the fourth respondent has erected the transmission line in the disputed property and after assessing the possession, the same was forwarded to the 2nd respondent/Revenue Divisional Officer for disbursement of the compensation to the original land owner. Thereafter, the Revenue authorities conducted an enquiry and on verifying and perusing the entire records, decided to disburse the entire amount in favour of the 5th respondent

5. The learned counsel appearing for the 5th respondent submitted that the fifth respondent purchased the property in Survey Nos.408/5, 408/6, 409/7B, 409/6B and 409/5B of



Vadugapatti village in Modakurichi Taluk of Erode District on 29.01.1997 from the petitioner and three others by way of sale consideration and she has been in possession and enjoyment of the said properties and paying land tax for the same as well. While so, the Tamil Nadu Electricity Board has erected high tension electric towers in the aforesaid properties, for which she claimed compensation for her agricultural land by submitting all the necessary documents for her ownership as well as possession and enjoyment of the properties in RSF No.408/5 and 408/6; 409/6B, 409/5B; RSF Nos.408/22 and 409/23 of Vadukappti village to the respondents 2, 3 and other officials. On being satisfied that the aforesaid property belonged to her, she was paid a compensation amount of Rs.17,65,615/- dated 27.11.2019. Subsequently, she has also filed a suit in O.S.No.389/2020 before the Subordinate Judge of Erode against the petitioner and the other 3 vendors for declaration that she is the absolute owner of the properties covered under the sale deed dated 29.01.1997.

6. Considering the submissions advanced, the fact that the 5th respondent has filed a suit for declaration in O.S.No.389/2020 before the Subordinate Court and that the petitioner is arrayed as first defendant in the said suit. The present petition at the instance of the petitioner is not maintainable. Further compensation amount almost paid to the petitioner. Therefore, the relief sought for cannot be granted.

7. Accordingly this Writ Petition is dismissed. However, petitioner is granted liberty to proceed in accordance with law before the appropriate forum. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

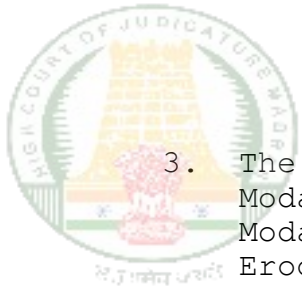
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Sub Assistant Registrar

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To

1. The Collector,
Erode District,
Erode.
2. The Revenue Divisional Officer,
Erode District.



3. The Tahsildar,
Modakuruchi Tahsildar Office,
Modakuruchi,
Erode District.

4. The General Manager,
Power Grid Corporation of India,
Sankari, Salem District.

5. The Public Prosecutor,
Madras High Court.

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.66681

+1cc to M/S.K.Moorthy , Advocate, S.R.No.67194

+1cc to the Government Pleader, S.R.No.67462

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and
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NSK 07/02/2022