



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 09.02.2021
CORAM**

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.19770 of 2020

1.V.Andavar
2.B.Bethuran

... Petitioners

Vs.

1.The Chairman,
Tamilnadu Electricity Board,
Chennai-2.

2.The Chief Engineer (Transmission),
Tamilnadu Transmission Corporation Limited
(TANTRANSCO) TNEB, Chennai-2.

3.The Superintending Engineer,
Tamilnadu Electricity Board,
K.Pudur, Madurai-7.

4.The Assistant Executive Engineer (Technical),
Tamilnadu Electricity Board,
Electricity Transmission,
Line Construction (TLC),
K.Pudur, Madurai.

5.The District Collector,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 to 4 to fix and pay the fair compensation, for erecting the tower in the petitioners' land in S.No.379/3, presently comprised in S.No.379/3A1A3, by disposing the 2nd petitioner's representation dated 09.10.2020, within a time to be fixed by this Court.

For Petitioners :Mr.R.Suriyanarayanan

For Respondents :Ms.M.Paremesari

For Mr.S.M.S.Johnny Basha for R1 to R4.
Mr.C.Ramar,
Additional Govt. Pleader for R5.



ORDER

Heard the learned counsel on either side.

2.The case of the petitioners is that the respondents 2 to 4 have erected towers on the petitioners' lands and that they were not paid any compensation. The petitioners have already filed a petition for compensation on 09.10.20210 before the fifth respondent. The fifth respondent is directed to determine the compensation payable to the petitioners in terms of Section 16 of Telegraph Act. The fifth respondent will not non-suit the petitioners on the ground of delay. There is no doubt that the petitioners own the petition mentioned land. There is also no doubt that towers were erected on the same. Hence, the petitioners will have to be paid compensation. It is the quantum that has to be determined by the fifth respondent. This exercise of determining the compensation payable to the petitioners will be finalized within a period of twelve weeks from the date of receipt of a copy of this order.

3.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The District Collector,
Theni District.

+1 CC to SGP (SR-4288[F] dated 10/02/2021)

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09.02.2021

KM (01.03.2021) 2P 3C