



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.33312 of 2014

S.Sagayamarsan

... Petitioner

Vs.

1.The District Collector Cum

The District Executive Magistrate,
Office of the District Collector,
Thiruvallur District.

2.The Power Grid Corporation of India,

represented by its General Manager,
69, State Bank Colony,
West Tambaram, Chennai - 600 045.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records on the file of the first respondent bearing proceedings, R.C.No.838/2013/M2 dated 18.02.2013 and to quash the same as unjust, illegal and unconstitutional and in consequence thereof direct the first respondent to assess and compensate the petitioner pursuant to the damage caused to the petitioner in lieu of erection of Grid Towers and laying of lines by the 2nd respondent in and over the petitioners land comprised in Survey No.216/6A situated at Thiruvalangadu Village, Tiruttani Taluk, Thiruvallur District together with Solatium and other benefits.

For Petitioner : Mr.P.Vasanth

For R1 : Ms.N.Senthil Selvi
Government Advocate

For R2 : No appearance



O R D E R

The second respondent has erected towers in the petitioner's land for carrying electricity. Hence, the petitioner has filed an application for compensation before the District Collector/first respondent herein, and by an order dated 18.02.2013, the District Collector, has stated as under:

"According to Section 68(5) & (6) of Electricity Act, 2003, the compensation could be given to the extent of damage caused to existing trees or crops. The Tahsildar, Tiruttani vide her statement and report has stated that there is no valuable trees and no crop cultivation in the Writ Petitioner's land in S.No.216/6A of Thiruvallangadu Village, Tiruthani Taluk, and that the land remains vacant, so payment of compensation for the crop damages does not arise.

Considering the nature of the project and its larger public interest and for the reasons stated above, the objections raised by the Writ Petitioner are over ruled and the Deputy General Manager, Power Grid Corporation of India Ltd, is permitted to erect tower, lay lines and to proceed further, in the writ petitioners' land in S.No.216/6A of Thiruvallangadu Village, Tiruthani Taluk and draw power lines, vide Section 16(1) of the Indian Telegraph Act, 1885."

2.The learned counsel appearing for the first respondent would submit that the petitioner is not entitled to any compensation to the land, but will be entitled to compensation only to the trees and crop cultivated in that area.

3.Now, the learned counsel appearing for the petitioner brought to the attention of this Court that in the Government Order passed by the State of Tamil Nadu in G.O.Ms.No.86, dated 30.10.2019, the Government has taken policy decision to give compensation to the land with retrospective effect. Further, he would submit that this Court in W.P.No.32820 of 2017, dated 24.02.2020, in a similar circumstances, had directed the



District Collector to consider the petitioner's request and fix the compensation in the light of G.O.Ms.No.86, dated 30.10.2019.

4. In the present case also in the light of G.O.Ms.No.86, dated 30.10.2019, the petitioner will be entitled to get compensation not only to the crops or standing trees but also to the land by erection of the tower and also to the loss of income caused.

5. Considering the Government Order passed in G.O.Ms.No.86, dated 30.10.2019 and order passed by this Court in similar case in W.P.No.32820 of 2017, dated 24.02.2020, this Court is inclined to set aside the impugned order passed in R.C.No.838/2013/M2, dated 18.02.2013 and the matter is remitted back to the first respondent for the purpose of fixing the compensation and the first respondent is directed to pass the appropriate order within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

Dua

To

1. The District Collector Cum
The District Executive Magistrate,
Office of the District Collector,
Thiruvallur District.

2. The General Manager,
The Power Grid Corporation of India,
69, State Bank Colony,
West Tambaram, Chennai - 600 045.

+1cc to Mr.P.Vasanth, Advocate SR.No.12145

W.P.No.33312 of 2014

AJB(CO)
CB(03/06/2022)