



W.P(MD)No.9705 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9705 of 2022

and

W.M.P.(MD)Nos.6962 and 6963 of 2022

V.Sanjai

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Transmission Corporation Ltd.,
(TANTRANSCO),
Annasalai, Chennai – 600 002.

2.The District Collector,
Thoothukudi,
Thoothukudi District.

3.The Superintending Engineer,
General Construction Circle,
K.Pudur, Madurai.

3.The Executive Engineer,
Civil/765KV,
Tamilnadu Line Construction,
Tamilnadu Transmission Corporation Ltd.,
(TANTRANSCO),
Virudhunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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records pursuant to the impugned order passed by the 2nd respondent in D2/28238/2021 dated 13.04.2022 and quash the same and consequently direct the respondents herein not to erect the High Tension Line through the petitioner's land in S.No.283/2, of Oonamakkulam Village, Kayathar Taluk, Thoothukudi District, without fixing the appropriate compensation to the land acquired from the petitioner by following due process of law and paying compensation.

For Petitioner : Ms.Porkodi Karnan

For Respondents : Mr.Deenadhayan,
Standing Counsel for R1, R3 & R4.
Mr.N.Ramesh Arumugam,
Government Advocate for R2.

ORDER

Heard the learned counsel for the writ petitioner, the learned standing counsel for the respondents 1, 3 and 4 and the learned Government Advocate for the second respondent.

2.The property in question belonged to late.Venkataswamy. He passed away on 23.11.2021. He is survived by his wife/Jeyarani, the son (the writ petitioner herein) and daughter/Kirubalakshmi. On the said land, TANTRANSO proposed to install tower and also draw high tension lines across the land. The petitioner submitted his objections. Rejecting the



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petitioner's objections and granting permission to enter upon in favour of TANTRANSCO, the impugned order dated 13.04.2022 came to be passed. The District Collector has fixed Rs.73,680/- as compensation payable to the legal heirs of late.Venkataswamy. Challenging the said communication, this writ petition came to be filed.

3.I indicated to the petitioner's counsel that the order passed by the District Collector granting permission to TANTRANSCO to enter the petitioner's land cannot be questioned. The petitioner can only seek payment of appropriate compensation. It was pointed out by the petitioner's counsel that in the impugned communication, the District Collector has not set out the basis on which he quantified the compensation payable. Thereupon, the respondents were directed to furnish the calculation statement. On the last occasion, a calculation statement was furnished to the petitioner's counsel.

4.Under Section16 of the Telegraph Act, the petitioner can approach the District Court, if the quantum of compensation fixed by the District Collector is not acceptable. This writ petition is disposed of by permitting the petitioner along with the other surviving legal heirs of late.Venkataswamy to move the District Court for enhancement of the compensation fixed by the District



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Collector. If such a petition is filed, the learned District Judge will dispose of the same on merits and in accordance with law within a period of six months thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

29.06.2022

Index : Yes / No
Internet : Yes/ No
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To:

The District Collector,
Thoothukudi,
Thoothukudi District.



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G.R.SWAMINATHAN, J.

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