



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.19301 of 2021

Seethaiammal

...Petitioner

Vs.

1.The District Collector,
Tuticorin District, Tuticorin.

2.The District Revenue Officer,
Tuticorin District, Tuticorin.

3.The Superintending Engineer,
TANGEDCO, Tuticorin.
**(*R3 is suo motu impleaded vide
Order dated 13.12.2021)**

...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 to determine the compensation to be given to the petitioner for the loss of the petitioner's land by the construction of High Tension Electricity Tower and Drawing of Electric line by the TANGEDCO through the lands of the petitioner in S.No.65/4A and 65/4B comprised in Patta No.3242, Ottapidaram Village and Taluk, Tuticorin District in considering the representation of the petitioner, dated 08.09.2020.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents particularly to the first respondent/the District Collector, Thoothukudi, to determine the compensation to be given to the petitioner for the loss of land owing to construction of High Tension Electricity Tower and drawing of electric line by TANGEDCO through the lands of the petitioner in S.Nos.65/4A and 65/4B in patta No.3242, Ottapidaram Village, Tuticorin District.



2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner is the owner of the aforementioned lands and she has also the benefit of grant of patta. It is alleged that the Superintendent Engineer, TANGEDCO, Tuticorin/third respondent had constructed a High Tension Electric Post in the patta land of the petitioner. Further they had drawn High Tension Electric Lines at a height of 100 feet over the said lands. The Writ Petitioner seeks compensation for such construction of the High Tension Electric Post in her patta lands.

3. Heard Mr.G.Prabhu Rajadurai, learned Counsel who appears for the petitioner, Mr.J.John Rajadurai, learned Government Advocate who appears for the respondents.

4. The issue of compensation, has to be examined only by the District Collector under Sections 15 and 16 of the Telegraph Act, 1885. It is seen that in exercise of the powers under Section 10 of the Electricity Act, 2003 and also the powers conferred under Section 51 of the Electricity Act, 2003, such High Tension Electricity Tower have been constructed. Now, the onus is on the District Collector to examine the compensation to be paid. Section 16 of the Telegraphic Act, 1885, provides for that particular purpose.

5. A direction is therefore given to the District Collector to issue notice to the petitioner and also to the third respondent/the Superintending Engineer, TANGEDCO, to examine the case of the petitioner, to examine the place at which the High Tension Electricity Post has been erected, examine whether the same has been put up in the patta lands of the petitioner and thereafter, give due opportunity to both the parties and then determine whether compensation is payable to the petitioner. If compensation is payable to the petitioner, the entire exercise may be completed within a period of sixteen 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(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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

1.The District Collector,
Tuticorin District, Tuticorin.

2.The District Revenue Officer,
Tuticorin District, Tuticorin.

3.The Superintending Engineer,
TANGEDCO, Tuticorin.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-2250[F] dated 24/01/2022)

+1 CC to M/s.SPL.GP (SR-2388[F] dated 25/01/2022)

W.P (MD) .No.19301 of 2021

21.01.2022

bk(CO)

TR(11.02.2022) 3P 6C