



WEB COPY



W.P.Nos.4075 and 4076 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.Nos.4075 and 4076 of 2021

WP No.4075 of 2021

T.Thirusanghu

... Petitioner

versus

1.The District Collector
Cuddalore District

2.The Power Grid Corproation of India Ltd.,
B-9, Qutab Institutional Area,
Katwaria Sarai
New Delhi- 110016

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus to direct the 1st Respondent to grant of Compensation for the right of way exercised by the respondents in laying transmissison of 400 kv Power line in the petitioner's land in Survey No.340/2 in Periyakapakullam village Vridhachalam Taluk, Cuddalore District as per G.O.MS No.63 Energy (A1) Department dated 22.11.2017.

WP No.4076 of 2021

T.Chinnaraja

... Petitioner

versus

1.The District Collector
Cuddalore District

1/7



W.P.Nos.4075 and 4076 of 2021

2.The Power Grid Corproation of India Ltd.,
B-9, Qutab Institutional Area,
Katwaria Sarai
New Delhi- 110016

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus to direct the 1st Respondent to grant of Compensation for the right of way exercised by the respondents in laying transmisison of 400 kv Power line in the petitioner's land in Survey No.337/1A in Periyakapakullam Village Vridhachalam Taluk, Cuddalore District as per G.O.MS No.63 Energy (A1) Department dated 22.11.2017.

For the Petitioner : Mr.P.Paramasiva Doss

For the Respondents : Mr.T.Seenivasan,
Special Government Pleader,
for the first respondent

Mr.Jayesh Dolia

COMMON ORDER

Since the issues in both the writ petitions are the same and since the arguments advanced also overlapped, a common order is passed.

2. The writ petitions have been filed by two separate land owners. The petitioner in W.P.No. 4075 of 2021 is the owner of agricultural lands in Survey No. 340/2, in Periyakapakullam Village.



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The petitioner in W.P.No. 4076 of 2021 is the owner of agricultural land in Survey No. 337 1A measuring 1.32 acres in the same village.

The second respondent, had entered into the lands of both the petitioners where quite apart from other crops it had been specifically stated that there are also several trees.

3. After entering into the lands, the second respondent in June, 2017 had taken steps to put up two distinct tower lines for transmission of 400 KV power through the village.

4. The petitioners thereafter had raised issues relating to the compensation which has to be paid. In this connection, the process was through and finally compensation was determined and paid to both the petitioners herein. There are no disputes with respect to that. The petitioner then, gave a representation seeking enhancement of the compensation and seeking the compensation to be reworked.

5. It is pointed out by the learned counsel for the second respondent that there cannot be any possibility of reworking the compensation since if the order had been passed by the first respondent/District Collector, then the proper approach would have



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been to file a suit before the District Court. It is stated that therefore the District Collector has no authority to rework out the compensation.

6. Written instructions have been forwarded on behalf of the first respondent/District Collector wherein he had only stated that compensation had already been paid to the petitioners herein.

7. The petitioners had filed along with the writ petition a series of documents and one of these documents indicate that the first respondent/District Collector had forwarded the representations given by the petitioners herein not only to the second respondent herein but also to the Sub Collector, at Virudachalam, seeking further action to be taken on the representations.

8. Once an administrative decision had been taken to examine the particular representations, then it naturally follows that an order will have to be passed by the authority who so enquires. In this case, the officer who should so enquire is the District Collector/first respondent herein. Therefore an obligation is placed on the first respondent to pass an order on the representations given and on the basis of the reports received back from the Sub Collector at



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Virudachalam. Keeping the files pending and stating that compensation had already been paid would neither be to the advantage of the petitioners nor to the advantage of any of the respondents. The issues would be only kept pending. There will be no end to it.

9. The petitioners will also not have a cause to go before the civil court since according to them there has been no finality in the issue. Therefore an obligation is placed on the District Collector to examine the representations already given and for which he had forwarded communications to the second respondent on 02.07.2020 in Na.K.L 1/4481/2019 and obtain reports from the Sub Collector and pass necessary orders. Such order shall be passed on or before 31.03.2023.

10. While passing the said order, the District Collector may also keep in mind the provisions of Section 16 of the said Act and examine his jurisdiction to pass the order also. But however, if he is of the opinion that the compensation granted is extremely irrational then he is at liberty to rework the compensation. It all depends on the subjective satisfaction of the first respondent and I am confident that his discretion would be used judiciously.



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11. No further orders are required. The writ petition stands disposed of. The first respondent may also keep in mind the principles of natural justice. No costs.

16.02.2023

Index: Yes/no
mrn

To

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C.V.KARTHIKEYAN, J.
(mrn)

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