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W.P.No.6575 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.6575 of 2023
and WMP.No.18882 of 2023

K.Gomathi

..... Petitioner

Vs

1.The District Collector
Kallakurichi District
Kallakurichi.

2.The Revenue Divisional Officer
Kallakurichi
Kallakurichi District.

3.The Special Tahsildar
Power Grid Corporation of India Ltd.,
Kallakurichi.

..... Respondents

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 relating to the impugned proceedings passed by the first respondent in Na.Ka.No.Aa6/5905/2021 dated 15.06.2021 and quash the same as illegal and consequentially direct the first respondent to reconsider the issue afresh after providing opportunity of hearing to the petitioner and then to recalculate



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the compensation amount in accordance with G.O(Ms) No.281 Revenue & Disaster Management Department, Land Administration Wing LA-I (1) Section dated 07.09.2017 by considering the representation of the petitioner dated 16.10.2017 within a time to be fixed by this Court.

For Petitioner : Mr.T.Balachandran

For Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.U.Baranidharan
Additional Government Pleader for R1 & R2

Mr.AR.L.Sundaresan, Senior Advocate
Assisted by M/s.Aiyar & Dolia for R3

ORDER

The petitioner herein is the owner of a plot measuring 1500 sq.ft. in Survey No.164/3 in Sadayampattu Village, Kallakurichi District. It is one of the plots approved by DTCP, and this plot was purchased by the petitioner on 03.07.2020. While so, the Power Grid Corporation of India Limited, a Public Sector Enterprise of Government of India have erected 440 KW HT tower, to draw electric lines over her property and other properties along the lines.

2. The petitioner's property is situated right under the proposed electric lines.



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The competent authority constituted under Section 10 of the Telegraph Act, the District Collector, determined the compensation payable at Rs.226/- per sq.ft., and awarded a compensation of Rs.3,39,000/- to the petitioner. The petitioner is not agreed with the value fixed at Rs.226/- sq.ft. for her property, where the electric lines are drawn directly over her property, but agrees for the compensation that was paid at 275% of aforesaid Rs.226/- sq.ft., (in Statement-II of the impugned order) which was fixed for another class of lands which are present 14 mtrs away, on either side of the electric lines. According to the petitioner, she is also entitled to a compensation at 275% of the compensation value computed at Rs.226/- per sq.ft. In other words, the petitioner requires the compensation of Rs.9,32,250/-.

3. The first respondent has filed its counter, and it fundamentally raises two aspects :

- (a) that the petitioner had paid only Rs.2,50,500/- for her plot when she purchased it on 03.07.2020; but less than a year, the petitioner was awarded a compensation of Rs.3,39,000/-
- (b) if the petitioner is aggrieved of the compensation awarded, then it is for the petitioner to approach the District Court in an appeal under Section 16 of the Telegraph Act.



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4. The learned counsel for the petitioner emphasised that the petitioner is inequally treated in the matter of awarding compensation. He added that so far as the petitioner is concerned, the compensation should have been awarded at 275% of the market value. The petitioner challenges the failure of the District Collector to award compensation at 275%, and prays that the matter may be remanded for equal treatment to equal citizens.

5. After carefully weighing the rival submissions, this Court directs the petitioner to approach the District Court concerned, under Section 16 of the Telegraph Act, which when filed, the District Court without preference to any limitation period, is required to consider the appeal. The petitioner is required to file an appeal within four weeks from the date of receipt of copy of this order and she is permitted to take all grounds vis-a-vis seeking enhancement of compensation. The learned District Judge is required to dispose of the appeal so filed, within a period of six months after service of notice is completed on the respondents, and the learned District Judge is also required to consider the issue whether the petitioner is entitled to receive compensation at 275% of the market value.



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6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Non-speaking orders

To:

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N.SESHASAYEE.J.,

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