



W.P.No.13633 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.04.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.13633 of 2023

Palaniyandi

... Petitioner

Vs

1. District Collector,
Namakkal District,
Namakkal
2. District Revenue Officer,
O/o District Collectors Office,
Namakkal
Namakkal District.
3. Revenue Divisional Officer,
O/o District Collectors Office,
Namakkal
Namakkal District.
4. The Thasildhar,
Senthamangalam Taluk,
Namakkal
Namakkal District.
5. Junior Engineer,
Power Grid Corporation of India Limited,
400 KV Substation,
K.Paramathi Post
Coimbatore Main Road,
Karur.
6. Maruthamuthu

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or direction or order in the nature of writ to call for the records relating to the proceedings of the 1st respondent Vide NA.KA.No.12715/2020/H-1 dated 25.11.2022 and quash the same consequently direct the 3rd respondent to recommend for the grant of compensation payable by 5th respondent for cutting the trees grown in the land and causing inconvenient to the enjoyment of the lands in Erumaipatti Village, Senthamangalam Taluk, Namakkal District.

For Petitioner ... Mr.M.Vignesh
 for Muruganantham

For Respondents ... Mr.E.Veda Bagath Singh,
 Special Government Pleader for R1 to R4

 ... Mr.S.Kalaiselvan for R5.

ORDER

Aggrieved by the impugned proceedings dated 25.11.2022 passed by the 1st respondent, the petitioner is before this Court.

2. It is the case of the petitioner that the respondents have cut the trees grown on the land of the petitioner for the purpose of erection of pillars and passing of high tension wire. The grievance of the petitioner is that the



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petitioner has not received the compensation. Hence the petitioner has made a representation to the 4th respondent which was forwarded to the 1st respondent, pursuant to which, an order dated 25.11.2022 came to be passed by the 1st respondent denying the compensation on the ground that the land in which the trees were grown under dispute in O.S.No.58 of 2021 on the file of the Principal District and Sessions Court, Namakkal.

3. Learned counsel for the petitioner submits that the 1st respondent has failed to consider the fact that the suit in O.S.No.58 of 2021 has nothing to do with the grant of compensation as Survey Nos.46/3 & 4/1 stood in the name of the petitioner by way of settlement.

4. Learned Special Government Pleader appearing for the respondents submits that a bare perusal of the impugned order reveals that there is no dispute with regard to Survey Nos.46/3 and 4/1 mentioned in the impugned order. The only Survey number on which the suit was laid is with regard to Survey No.46/1. Hence, this Court may set aside the impugned order and direct the respondents to grant compensation with regard to survey nos.46/3 & 4/1 and subject to the outcome of the suit, compensation may be granted in regard



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to survey no.46/1.

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5. Having heard the learned counsel appearing on either side, this Court is of the considered view that admittedly, the dispute is with regard to survey no.46/1 only and not 46/3 and 4/1. In the light of the admitted position by the respondents, the impugned order is set aside and the respondents are directed to grant compensation to the petitioner with regard to Survey Nos.46/3 & 46/1 and compensation with regard to Survey No.46/1 subject to the outcome of the suit in O.S.No.58 of 2021 on the file of the Principal District and Sessions Court, Namakkal within a period of twelve (12) weeks from the date of receipt of a copy of this Order.

6. This Writ Petition is allowed with the above direction. There shall be no order as to costs.

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Index:Yes/No

Internet:Yes

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