



W.P.No.20481 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.20481 of 2020

N.Sundaram

... Petitioner

Vs.

1.The Chief Engineer,
Power Grade Corporation of India,
No.17/4G Vivekanantha Street,
Gandhi Nagar, Nasiyoor Road,
Erode.

2.The General Manager,
Power Grid Corporation of India,
TLC Office, No.3/3/27-B, Bharathi Nagar,
Salem Main Road, Sankagiri,
Salem District-637 301.

3.The Deputy Director of Horticulture,
Office of the Deputy Director of Horticulture,
Mamangam, Salem-636012.

4.The Deputy Director of Horticulture,
Office of the Deputy Director of Horticulture,
Tiruppur, Tiruppur District.

... Respondents



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PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the second respondent to pay the compensation amount of Rs.5,46,000/- for cutting of 260 Drumstick trees and to pay Rs.1,20,000/- for cutting of 40 palm trees for the damages cost in the petitioner land situated at Survey Nos.28/28, 29/1F, 29/1K and 29/1M at Kurumbapatti Village, Salem District in erecting High Tension Tower Line by considering the petitioner's representations dated 24.02.2020 and 09.03.2020 within a stipulated time frame.

For Petitioner : Mr.A.M.Esakkiappan

For Respondents : Mr.V.Kalyanaraman
for M/s.Aiyar and Dolia
for R1 and R2

Mr.A.Anandan
Government Advocate for R3 and R4

ORDER

The present petition has been taken out claiming compensation for loss or damage to crops of the petitioner owing to the installation of high tension towers in the property of the petitioner. The petitioner claims two amounts of Rs.5,46,000/- and Rs.1,20,000/- under two separate representations dated 24.02.2020 and 09.03.2020.



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2.Mr.V.Kalyanaraman, the learned counsel appearing for respondents 1 and 2, and Mr.A.Anandan, the learned Government Advocate appearing for respondents 3 and 4.

3.Learned counsel for the respondents 1 and 2, on instructions submitted that the petitioner has already been paid a sum of Rs.8,33,604/- towards crops/trees compensation and a sum of Rs.2,48,345/- towards land compensation. He also provides a tabulation containing details of the compensation paid for the crops/trees and also for the land of the petitioner. In terms of the said tabulation, between 11.12.2017 and 24.01.2020, the petitioner had been paid a sum of Rs.8,33,604/- on 12 different dates as crops/trees compensation. But, the affidavit supporting this petition, nowhere discloses these amounts so received by the petitioner. The affidavit only makes some vague statement that the compensation paid to him for damages to his crops/trees is not adequate, and gives what he considers the correct market value for the timber he lost. Beyond this, the affidavit is devoid of any material particulars for the Court to appreciate the correctness of what is alleged.



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3.1 The learned counsel further submitted that if the petitioner is aggrieved, he has a right under Section 16 (3) of the Indian Telegraph Act, 1885 to go before the District Court, within whose jurisdiction the property is situated.

4.The question involved in this Writ requires fact-finding. And there is an alternative remedy available for the petitioner to file his claim before the District Court concerned under Section 16 (3) of the Indian Telegraph Act, 1885. Therefore, it is only appropriate if the petitioner goes before the concerned District Court. Hence, this Court directs the petitioner to approach the District Court concerned.

5.This writ petition is disposed of with the above direction. No Costs. Consequently, the connected miscellaneous petition is closed.

07.07.2023

Anu

Index : Yes / No

Neutral citation : yes/no



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