



WEB COPY



W.A.No.2534 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.No.2534 of 2023

- 1.N.Thangaraj
- 2.Thamizhagan
- 3.Raman
- 4.Parvathi
- 5.Venkatachalam

.. Appellants

Vs

- 1.The Chief Manager,  
Power Grid Corporation of India,  
K.R. Thoppur, Salem.
- 2.Power Grid NM Transmission Ltd.,  
rep. by its Manager,  
Konakapadi Post,  
K.R. Thoppur, Salem-636 502.
- 3.The Chairman,  
Tamil Nadu Electricity Board,  
Anna Salai, Chennai-600 002.
- 4.The District Collector,  
Office of the Collectorate,  
Salem District, Salem.



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5.The Superintending Engineer,  
Tamilnadu Electricity Board,  
Udayapatti, Salem,  
Salem District.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order passed by the learned Single Judge in W.P.No.23826 of 2023 dated 14.08.2023.

For the Appellants : Mr.M.Elango

For the Respondents : Mr.AR.L.Sundaresan  
Addl. Solicitor-General  
assisted by  
Mr.V.Kalyanaraman  
for M/s.Aiyar and Dolia  
for respondent Nos.1 and 2

: Mr.D.R.Arun Kumar  
for respondent Nos.3 and 5

: Mrs.R.Anitha  
Spl. Government Pleader  
for respondent No.4

### JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.M.Elango, learned counsel for the appellants;  
Mr.AR.L.Sundaresan, learned Additional Solicitor-General of India,  
assisted by Mr.V.Kalyanaraman for M/s.Aiyar and Dolia for respondents



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1 and 2; Mr.D.R.Arun Kumar, learned counsel for the respondents 3 and 5; and, Mrs.R.Anitha, learned Special Government Pleader for the fourth respondent.

2. The appellants have filed the writ petition before the learned Single Judge of this Court seeking payment of compensation with statutory interest. The appellants have also challenged the order passed by the District Collector rejecting the application for compensation.

3. The learned Single Judge directed the appellants to approach the District Court, Salem under Section 16 of the Telegraph Act, 1885.

4. Learned counsel for the appellants, relying upon the judgment of this Court in *W.A.No.325 of 2021 dated 04.8.2021 (The District Collector, Dharmapuri District v. K.Natarajan and another)*, submits that the District Court does not have jurisdiction and it is for the District Collector to decide the compensation amount.



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5. Learned Additional Solicitor-General, relying upon the judgment of the Apex Court in the case of *Power Grid Corporation of India Limited v. Century Textiles and Industries Limited and another*, reported in (2017) 5 SCC 143, submits that if the appellants have got any grievance with regard to the compensation, they have to approach the District Court under Section 16 of the Telegraph Act, 1885.

6. Learned Additional Solicitor-General further submits that the compensation amount payable to the appellants with regard to trees and crops is determined and the same would be paid to the appellants.

7. If the appellants are not satisfied with the amount of compensation determined by the respondent authorities, the appellants may accept the same under protest and without prejudice to their rights and also approach the District Court as has been suggested by the learned Single Judge for compensation. In that event, all contentions of the respective parties are kept open.



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8. With these observations, the writ appeal stands disposed of.

There will be no order as to costs.

(S.V.G., C.J.)

(P.D.A., J.)

22.09.2023

Index : Yes/No  
Neutral Citation : Yes/No  
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To

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