



WEB COPY



W.P.(MD)No.1562 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.1562 of 2021

P. Kalimuthu

... Petitioner

VS.

1. The District Collector,
Karur District, Karur.
2. The Revenue Divisional Officer,
Karur District, Karur.
3. The Tahsildar,
Karur Taluk, Karur District.
4. The General Manager,
Power Grid Corporation of India
Limited,



WEB COPY



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Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO),
K.Pudur, Madurai.

5. The superintending Engineer,
(General Erection),
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO),
K.Pudur, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 4 and 5 herein to take appropriate action by implementing the recommendation of the 2nd respondent dated 24.07.2019 vide Mu.M(A1) 2370/2018 to assess and pay the compensation for the loss incurred by the petitioner on the basis of the petitioner's representation dated 26.03.2018.

For Petitioner	: Mr.V.Balaji
For R1 to 3	: Mr.A.K.Manikkam Special Government Pleader
For R4 & 5	: Mr.S.Deenadhayan



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W.P.(MD)No.1562 of 2021

ORDER

This writ petition is filed for writ of Mandamus, to direct the respondents 4 and 5 herein to take appropriate action by implementing the recommendation of the 2nd respondent, dated 24.07.2019, to assess and pay the compensation for the loss incurred by the petitioner on the basis of the petitioner's representation dated 26.03.2018.

2. The petitioner is the owner of the land situated in S.Nos.351/A1, 352/A5, 352/B3 and 353/8 of K.Pitchampatti Village, Karur. The 5th respondent has erected high tension transmission line in the petitioner's land by felling the trees which were standing in the petitioner's land. The 5th respondent had ascertained the compensation as Rs.1,000/- for neem tree and Rs.16,400/- for coconut tree and has calculated the total



W.P.(MD)No.1562 of 2021

compensation as Rs.5,00,000/- and had issued Cheque No.837536, dated 17.07.2017. However, the learned Counsel for the petitioner submitted that the petitioner did not receive the cheque. Therefore, the respondents are directed to pay the said amount, if not paid.

3. Apart from the above compensation, the petitioner is seeking additional compensation. The petitioner had already submitted a representation, dated 26.03.2018 seeking additional compensation. Since the said representation was submitted long back, which may not be available with the respondent. Therefore, the petitioner is directed to submit a fresh representation to the 1st respondent. The 1st respondent is directed to consider the representation and pass orders in accordance to law at the earliest.



W.P.(MD)No.1562 of 2021

4. It is seen from the records that subsequently, the TANGEDCO has issued G.O.Ms.No.86, Energy (A1) Department, dated 30.10.2019, for paying the compensation to the land as well. It is not known whether the said G.O., is applicable to the towers which are erected prior to the G.O. Therefore, the 5th respondent is directed to consider and pass orders in the light of G.O.Ms.No.86, Energy (A1) Department, dated 30.10.2019. If the petitioner is entitled to the benefits of the said G.O., the same shall be granted. If he is not entitled to, then also the same shall be intimated to the petitioner.

5. With the above said observation, the writ petition is allowed. No costs.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Tmg

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W.P.(MD)No.1562 of 2021

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W.P.(MD)No.1562 of 2021

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