



W.P.(MD)No.418 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.418 of 2021

- 1.Vivasaya Vizhipunarvu Iyakkam, Erode,
A Registered Society represented by its
President V.Murugavel,
S/o.Venkatasami Gounder,
Having its place of registered office at
Avalpoondurai,
Erode-638 118.
- 2.Krishnan
- 3.Mariammal
- 4.Nagoor Maideen
- 5.Dharmaraj
- 6.Sundarayya
- 7.G.Selvi
- 8.O.M.S.Sheik Uthuman Alim Sahib
- 9.K.Murugesan
- 10.S.A.Sarfudeen
- 11.S.Murugiah
- 12.Duraipandi
- 13.Meivel
- 14.Chellappa
- 15.Cithirai
- 16.Krishnammal
- 17.Gopal
- 18.Shanmugaiah



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- 19.Parvathi
- 20.Murugan
- 21.Lakshmanan
- 22.Marikannu
- 23.K.Murugesan
- 24.Abdul Kader
- 25.Syed Mohamed Ali
- 26.Karupaiaammal
- 27.Velusamy
- 28.Thenraj
- 29.Amir Sulthan
- 30.Duraisamy
- 31.M.Mariappan
- 32.S.S.Moammed Ibrahim
- 33.Sheik Uduman Sahib
- 34.Muthammal
- 35.Kali Thevar
- 36.D.Chandrasekaran

... Petitioners

VS

- 1.Power Grid Corporation of India Ltd.,
Represented by its Chairman,
Having its place of office at
B-9, Qutab Institutional Area,
Katwaria Salai,
New Delhi-110 016.
- 2.The General Manager (O & M)
Power Grid Corporation of India Ltd.,
Southern Region Transmission System-II,
H.Q.32, Race Court Road,
Bangalore-560 001.



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3.The Deputy General Manager,
Power Grid Corporation of India Ltd.,
400 K.V.Sub-Station,
Abishekapatti,
Tirunelveli District.

4.The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order passed by the learned IV Additional District Judge, Tirunelveli in O.P.No.59 of 2013 dated 23.04.2018 and quash the same and directing the respondent No.1 to 3 to pay a compensation of sum of Rs. 1,17,17,653/- to the farmers/members of the petitioner society with 18% interest per annum from the date of cutting trees till realization in their individual account.

For Petitioners : Mr.K.K.Kannan

For R1 to R3 : Mr.S.Suresh
for M/s.Aiyer and Dolia

For R4 : Mr.A.K.Manikkam
Special Government Pleader



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ORDER

This writ petition is filed by Vivasaya Vizhipunarvu Iyakkam, Erode, which is a registered society seeking to quash the impugned order passed by the learned Additional District Judge-IV, Tirunelveli in O.P.No.59 of 2013 dated 23.04.2018 and for a direction to direct the respondents 1 to 3 to pay a compensation of sum of Rs.1,17,17,653/- to the farmers/members of the petitioner society with 18% interest per annum from the date of cutting trees till realization in their individual account.

2. The first petitioner has filed a petition before the Additional District Judge-IV, Tirunelveli in O.P.No.59 of 2013 under Section 164 of the Electricity Act, 2003 read with Section 16(3) of Indian Telegraphic Act, 1885 to direct the respondents therein to pay a sum of Rs.1,17,17,653/- to the petitioner with 18% interest per annum, from the date of cutting of coconut trees, till the date of realization, with cost. The learned IV Additional District Judge has decided the issue raised by the petitioner and held that the petitioner has not submitted any relevant records and hence, dismissed the said petition. The relevant portion of



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WEB COPY the impugned order is extracted hereunder:-

“14. To decide the sufficiency of the compensation already paid, the petitioner examined only its President, as the only witness. Not even a single coconut tree owner is examined. Revenue Officials or Agriculture Department authorities were also not examined, as a witness in this case. In this petition, nothing is mentioned that who are the aggrieved persons and for and on behalf of, how many persons this petition is filed and even how many coconut trees were cut by the respondents. It is not disclosed in the Original Petition that, how many coconut trees of a particular land owner were cut by the respondents. It is not stated in the petition that, how much enhanced compensation is entitled for each land owner. To decide the dispute regarding the sufficiency of compensation, no proper material is furnished in this petition. The evidence adduced and the documents produced, in this case, are not sufficient to decide the dispute regarding the sufficiency of the compensation, by this Court, In deciding the sufficiency of the compensation already paid, this Court is not bound by any decision taken, in a meeting convened by the District Collector or the compensation amount determined, by the Joint Director of Agriculture. Without furnishing necessary particulars to decide the sufficiency of the compensation already paid, this petition is filed. Therefore, this petition is to be dismissed.”

3. On perusing the reasons stated by the IV Additional District Judge, it is seen that the petitioner had filed the said petition in O.P.No.59 of 2013 without any relevant records. Moreover, the petitioner has filed Public Interest Litigation and hence the suit cannot be entertained.



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4. Therefore, this Court is of the opinion that the impugned order is liable to be sustained. Moreover, the present petition is filed by the Society and the Society cannot file the writ petition. However, liberty is granted to each land owners to agitate their issues before the appropriate authority for enhancement of compensation and the same shall be considered by the authorities as per law.

5. With the above observation, this writ petition is dismissed. No costs.

03.08.2023

Index : Yes / No

Internet : Yes

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To

The District Collector,
Tirunelveli District,
Tirunelveli.



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S.SRIMATHY, J

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Order made in
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