



W.P.(MD)No.11100 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11100 of 2019

Subramanian

... Petitioner

Vs.

1.The Superintendent Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Ramanathapuram, Ramanathapuram District.

2.The Divisional Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Paramakudi Taluk, Ramanathapuram District.

3.The Assistant Engineer (Rural),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Paramakudi Taluk, Ramanathapuram.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay the compensation for the damages incurred by the petitioner at the instance of the respondents staff for their illegal cutting of valuable trees standing in the petitioners grove comprised in Pula No.12/2, 12/3A and 12/3B bearing Patta No.1424 measuring about 2.70 hectares situated at Siruthalai Village, Thiruvarangam Group, Muthukalathur Taluk,



W.P.(MD)No.11100 of 2019

Ramanathapuram District in the light of the petitioner's representation dated 16.02.2019 within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.S.Deenadhayalan

ORDER

Heard the learned counsel on either side.

2. The petitioner alleges that the officials of TANGEDCO illegally cut and removed the valuable trees standing in the petition mentioned grove. He seeks compensation for the same. According to the petitioner, a number of trees bearing fruits were cut and that the petitioner has been put to considerable financial loss.

3. The respondents have filed a detailed counter affidavit and the case projected by the petitioner has been denied in *toto*. Paragraph Nos.6 to 8 of the counter affidavit read as follows:

“6. I respectfully submit that only one neem tree alone passes under the High Tension Electric Line and only the edge of the neem tree had been removed in the said land and no other trees were removed as alleged by the petitioner which is not at all true.



W.P.(MD)No.11100 of 2019

7. *I respectfully submit that the height of the towers which was erected near the petitioner land is around 20.65 meters and the High Tension Electric Line passing through the tower is 27 feet.*

8. *I respectfully submit that High Tension Line are erected and also energized from 01.12.1999 i.e., 20 years were Gone but now the petitioner falsely given a complaint through his representation on 12.02.2019. As per the electricity act the petitioner should not permit to plant any trees under the High Tension Electric Lines.”*

4. The disputed questions of fact have arisen for consideration. They cannot be adjudicated in writ proceedings. I therefore grant liberty to the petitioner to file an appropriate civil suit claiming compensation against TANGEDCO. It is made clear that I have not gone into the merits of the matter. The time spent in prosecuting the writ petition will be excluded for computing limitation.

5. With the aforesaid liberty, the Writ Petition is disposed of. No costs.

05.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P.(MD)No.11100 of 2019

G.R.SWAMINATHAN,J.

Rmk

W.P.(MD)No.11100 of 2019

05.01.2023