



W.P.(MD)No.16121 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16121 of 2021

V.Dhanapal

... Petitioner

Vs

1.The District Collector,
Pudukottai District Office,
Pudukottai.

2.The Village Administrative Officer,
the Village Administrative Office,
Chettipati Village,
Kulathur Taluk,
Pudukottai District.

3.The Assistant Engineer,
Transmission Line Construction Ltd.,
TANTRANSCO,
Office at Mannarpuram,
Tiruchirappalli - 620020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from entering into the petitioner's property situated in Chettipatti Village, Kulathur Taluk, Pudukottai District, mentioned in Patta Nos. 2097 and 2337 before assessing the total loss for petitioner trees and crops and



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arranging payment of compensation to the petitioner based on the petitioner's representation dated 17.08.2021.

For Petitioner : Ms.T.Banumathy

For R-1 & R-2 : Mr.R.Ragavendran,
Government Advocate

For R-3 : Mr.S.Deenadhayalan

ORDER

This Writ Petition was filed for issuance of writ of mandamus forbearing the respondents from entering into the property belonging to the petitioner without assessing total loss sustained by the petitioner and without paying the compensation to the petitioner.

2. The grievance of the petitioner is that he is the owner of the subject property situated at Chettipatti Village, Kulathur Taluk, Pudukottai District and that he was cultivating the land with teakwood trees (11 numbers), mango trees (4 numbers), coconut trees (17 numbers), neem trees and other trees. According to the petitioner, he is eking his livelihood only from the income derived from the cultivation. The third respondent had installed the high-tension electricity transmission wire line adjacent to the lands belonging to the petitioner and as a result, the petitioner suffered



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loss. Since no compensation amount was assessed and paid to the petitioner, the present Writ Petition was filed before this Court.

3. When the matter came up for hearing on 07.11.2023, this Court passed the following order:-

“The learned Standing Counsel appearing on behalf of the third respondent submitted that damages have already been assessed as Rs. 1,95,800/- and the cheque for that amount is also ready to be handed over to the petitioner.

2.The learned counsel for the petitioner submitted that there has been no notice to the petitioner in this regard.

3.In view of the same, there shall be a direction to the third respondent to issue notice to the petitioner in this regard within a period of one week from today (i.e., 07.11.2023) and the petitioner shall give explanation. The result of the same shall be informed before this Court.

4.Post this case under the caption 'for orders' on 05.12.2023.”



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4. Pursuant to the above order, a notice was sent to the petitioner on 09.11.2023 and the petitioner was paid a sum of Rs.1,95,800/- (Rupees One Lakh Ninety Five Thousand and Eight Hundred only) towards compensation. The valuation statement of the damages sustained by the petitioner was also placed before this Court.

5. The learned counsel appearing for the petitioner submitted that the compensation that was assessed by the third respondent is unsustainable and that the petitioner is entitled for a higher compensation amount considering the nature / number of trees that were cultivated in the subject property.

6. In the considered view of this Court, the third respondent has paid the compensation as contemplated under Section 10 (d) of the Indian Telegraph Act, 1885. If the petitioner is not satisfied with the sufficiency of compensation, he is entitled to agitate his grievance before the learned District Judge within whose jurisdiction the property situated. This right is given under Section 16 (3) of the Indian Telegraph Act, 1885.



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7. In view of the above, liberty is granted to the petitioner to move an appropriate application before the learned Principal District Judge, Pudukottai, seeking for enhancement of compensation under Section 16 (3) of the Indian Telegraph Act, 1885. This application shall be filed by the petitioner within a period of four (4) weeks from today. On filing of such application, the learned Principal District Judge shall afford an opportunity to the petitioner and the respondents and pass final orders in the application within a period of three (3) months thereafter.

8. This Writ Petition is disposed of in the above terms. No costs.

06.12.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

- 1.The District Collector,
Pudukottai District Office, Pudukottai.
- 2.The Village Administrative Officer,
the Village Administrative Office,
Chettipati Village,
Kulathur Taluk, Pudukottai District.



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N.ANAND VENKATESH, J.

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