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W.P.(MD)NO.15667 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15667 of 2015

1. M.Ratha

2. G.Manickavalli

3. P.Manickam

4. P.Krishnakumar

5. P.Selvamanickam

... Petitioners

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
147, Anna Salai,
Chennai – 600 002.

2. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Dindigul.

3. The Executive Engineer,
Tamil Nadu Electricity Board,
Kattakkamanpatti,
Nilakottai Taluk,
Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing



the respondents to remove the electric tower and over head lines unlawfully put up by the respondents in the dry land measuring 043.5 Hec. (1 Acre 7 Cents) in S.No.451/2B2 of Neethulapuram Village, Nilakkottai Taluk, Dindigul District belong to the petitioners.

For Petitioners : Mr.A.P.Athithan

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The specific allegation of the petitioners is that electric tower has been installed on their private land and overhead lines have been drawn without their consent. It appears that such installation and drawing of lines is not for the benefit of the private individuals. In such cases, I would have directed even removal of the installed towers. But in this case, it appears that the towers have been installed for public purpose. Therefore, while I hold that the respondents may install the tower even without the petitioners' consent, they are obliged to pay due compensation to the writ petitioners.

3. The learned counsel appearing for the petitioners categorically asserts that no compensation was ever paid or



received. I therefore direct the second respondent to make reference before the District Collector, Dindigul. This shall be done within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the District Collector, Dindigul shall issue notices to the writ petitioners herein. An enquiry shall be held and based on the materials, compensation payable to the petitioners shall be determined. This exercise shall be completed by the District Collector within a period of eight weeks, thereafter. The compensation quantified by the District Collector shall be paid by the second respondent to the writ petitioners within a period of four weeks, thereafter. The petitioners, if aggrieved by the quantum of compensation, may receive the determined amount without prejudice to their rights. It is open to the petitioners to move the jurisdictional civil Court under Section 16 of the Indian Telegraph Act, thereafter. This writ petition stands disposed of on these terms. No costs.

26.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

Note : Registry to mark a copy of this order
to the District Collector, Dindigul.



WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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