



W.P.(MD)No.19452 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.19452 of 2015

C.K.Murugan

... Petitioner

Vs.

1.The District Collector,
District Collectorate Campus,
Dindigul District.

2.The Tahsildar,
Dindigul Taluk,
Dindigul District.

3.The Chief Manager,
Power Grid Corporation of India Ltd.,
(A Government of India Enterprises)
C27, Brindhavan Street, 4th Stop,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 3rd respondent herein to pay the balance amount of compensation payable to the petitioner amounting to Rs.3,07,225/- as per the provisions of the Indian Telegraph Act and together with interest from the date of cutting of the petitioner's



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trees till the date of final payment, within the stipulated time.

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For Petitioner :Mr.J.Lawrance
For Respondents :Mr.D.Sivaraja
Government Advocate for R1 & R2
:Mr.S.Suresh for R3

ORDER

The writ petition has been filed seeking for a mandamus directing the 3rd respondent to consider the representation of the petitioner dated 23.09.2015.

2.The land of the petitioner had been utilized by the 3rd respondent for laying High-tension line by erecting towers and drawing over head lines. Being aggrieved against the same, the petitioner had raised an objection under the provisions of the Indian Telegraph Act and sought for a compensation of Rs.12,00,000/-. However, the 1st respondent had awarded a compensation of Rs.8,92,775/-. Claiming the balance compensation, the petitioner had moved this Court in the instant writ petition.



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3.At the outset, the right of the petitioner to challenge such an order will be available only under Section 16(3) of the Indian Telegraph Act, where he has to file an Original Petition before the District Court having territorial jurisdiction. Hence, the petitioner is permitted to file an Original Petition before the appropriate District Court. When such an application is filed, the period for the pendency of this writ petition, namely the date of filing the writ petition and the date of the order shall be excluded by the concerned Court, while calculating the period of limitation, in view of Section 14 of the Limitation Act 1963.

4.With the aforesaid observations, this writ petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No
Speaking Order/Non Speaking Order
sbn



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