



W.P(MD)No.7468 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7468 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

Rajalakshmi

... Petitioner

Vs.

- 1.The Distret Collector,
Karur, Karur District.
- 2.The Chairman,
Tamilnadu Electricity Board,
Chennai.
- 3.The Superintending Engineer,
Tamilnadu Electricity Board,
General Construction Circute,
K.Pudur, Madurai - 7.
- 4.The Executive Engineer,
Tamilnadu Electricity Board,
(Tower Line Section),
Transmission Line Construction,
T.N.E.B.Complex, K.Pudur,
Madurai - 7.
- 5.The Executive Engineer,
Tamilnadu Electricity Board,
Transmission Line Construction,
Ponnasaram, Dindigul.



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6.The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Transmission Line Construction,
Angu Nagar, 110, K.V.Substation Complex,
Dindigul – 2.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuance of the order passed by the 1st respondent in R.C.No.H3/14017/2014 dated 16.10.2014 and quash the same as illegal and consequently direct the 1st respondent herein to fix the fair compensation to the petitioner's agricultural land after hearing the petitioner.

For Petitioner : Mr.S.J.Chakkaravarthy

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1.
Mr.S.Dheenadhayalan,
Standing Counsel for R2 to R46 & R6.

ORDER

Heard the learned counsel on either side.

2.TANGEDCO constructed transmission lines from Sempatty to Pugalur. In that process, a tower was installed on the petitioner's patta



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land. Lines were also drawn above the petitioner's land. The petitioner obviously suffered damage as a result. A petition was filed under Section 16 of the Telegraph Act before the District Collector, Karur. The petitioner's objections were over-ruled. Till date compensation has not been awarded. That led to the filing of this writ petition.

3. Whenever such works are carried out and the land owner suffers damage and injury, she is entitled to seek compensation. Originally, the District Collector will determine the compensation. If the petitioner is aggrieved by the quantum, the petitioner can always move the jurisdictional District Court. In this case, the initial determination itself has not been made.

4. Therefore, the matter is remitted to the file of the first respondent. The first respondent shall hold enquiry on 01.11.2023 at 03.00 pm. The petitioner shall file her proof affidavit setting out the damage suffered by her as a result of installation of the tower and drawing of transmission lines. The petitioner shall also estimate the compensation which according to her is payable.



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5.It is for the first respondent to consider the petitioner's claim and pass an award. That the petitioner had suffered damage is beyond dispute. The first respondent is directed to pass an appropriate award by taking into account of all the relevant parameters including G.O.(Ms)No.86, Energy Department dated 30.10.2019. The award shall be passed on or before 01.12.2023. Even though the cause of action had arisen in the year 2015, the first respondent shall take into account the subsequently issued government order also. The compensation shall be disbursed to the petitioner immediately thereafter. If the petitioner is aggrieved by the quantum of compensation, she is always at liberty to move the jurisdictional District Court for enhanced compensation.

6.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

14.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The District Collector,
Karur, Karur District.



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G.R.SWAMINATHAN, J.

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