



W.P(MD)No.27598 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27598 of 2023

and

W.M.P.(MD)No.23703 of 2023

K.Senthil Kumar

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Office,
Dindigul.
- 2.The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation Limited
(TANTRANSCO),
TNEB Campus,
Pasumalai,
Pykara, Madurai – 625 004.
- 3.The Executive Engineer,
Transmission Line Construction,
Tamil Nadu Transmission Corporation Limited
(TANTRANSCO),
Dindigul – 624 002.
- 4.The Tashildar,
Oddanchatram,
Dindigul District.



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5.The Inspector of Police,
Kalimanthayam Police Station,
Dindigul District.

... Respondents

(R5 is suo impleaded vide order dated
21.11.2023 in W.P.(MD)No.27598 of 2023
by GRSJ)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents their men, agents from cutting 838 trees without following due process of law and direct the respondent to pay compensation before laying Electricity High Tension Lines (765 KV DC Transmission Line) in and across or above the agricultural lands of the petitioner situated in Kalimanthayam village, Oddanchatram Taluk, Dindigul District comprised in Survey No.704/3A1 and 705/5 measuring to an extent of 2.84 acres by following due process of law or any other Writ or other in the nature of Writ directing the respondents herein by this Court.

For Petitioner : Mr.K.Govindarajan,
For Mr.Karthick

For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1 & R4.
Mr.S.Deenadhayan,
Standing Counsel for R2 & R3.
Mr.A.Albert James,
Government Advocate for R5.



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ORDER

Heard both sides.

2.The petitioner is the sole owner of the lands comprised in the petition mentioned survey numbers. TANTRANSCO is proposing to draw high tension overhead lines above the petition mentioned lands. On account of the implementation of the aforesaid project, as many as 838 standing trees may require to be cut and removed. Obviously, that will cause financial loss to the petitioner. All that the petitioner wants is that he must be paid appropriate compensation before the implementation of the project.

3.The learned standing counsel informs the Court that unless the lines are allowed to be drawn and strung over the petitioner's lands, the exact extent of the damage that may be caused to the petitioner cannot be assessed. I find considerable substance in the stand taken by the learned standing counsel for TANTRANSCO.



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4.The petitioner through his counsel gives an undertaking before this Court that he will not obstruct the officials from carrying out their work. When the lines are strung and the project is implemented, the entire proceedings will be duly videographed by the authorities. The petitioner is also entitled to independently videograph the works. This direction is given to the respondents and liberty is given to the petitioner so as to enable proper and accurate assessment of the damage that will be suffered by the writ petitioner. After the completion of the project, Thiru.Selvarathinam, Executive Engineer, TANTRANSCO, Dindigul shall give a formal letter to the jurisdictional police (Inspector of Police, Kalimanthayam Police Station) for dropping further action. Once such a letter is given, the Inspector of Police, Kalimanthayam Police Station shall file action dropped report before the jurisdictional Magistrate and the learned trial Magistrate will also accept the same.

5.Once the project work is completed, the damage suffered by the petitioner will be clearly known. The second respondent will involve the Horticulture and other departments and finalize the compensation payable to the petitioner. The petitioner is at liberty to place all the



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relevant materials which will facilitate passing of an appropriate order by the second respondent. An appropriate order determining the compensation shall be passed by the second respondent within a period of four weeks after the lines are strung over the petitioner's lands. The compensation amount shall be paid within a period of four weeks thereafter. The petitioner can very well receive the said amount without prejudice to his right to seek enhancement of the compensation under Section 16 of the Indian Telegraph Act, 1885.

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

21.11.2023

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

1.The District Collector,
Collectorate Office,
Dindigul.

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G.R.SWAMINATHAN, J.

ias

2.The Tashildar,
Oddanchatram,
Dindigul District.

3.The Inspector of Police,
Kalimanthayam Police Station,
Dindigul District.

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