



WA No.290 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD
WA No.290 of 2024

The General manager,
Power Grid Corporation of India Ltd,
185, TNHB Phase II,
Dharmapuri main Road,
Tirupattur 635 601 : Appellant

versus

1.D.Mariagnanam

2.The District Collector/
District Collectorate,
Dharmapuri 636 705

3.The Assistant Director
(Planting Material)
Office of Asst. Director of Horticulture,
Dharmapuri : Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in WP No.10276 of 2020 dated 24.11.2023.



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For the Appellant : Mr.AR.L.Sundaresan
Additional Solicitor-General,
assisted by Ms.Rita Chandrasekaran
for M/s.Aiyar and Dolia

For 1st Respondent : Mr.S.Sathiaseelan

For Respondents 2, 3 : Mr.A.Edwin Prabakar,
State Government Pleader
assisted by Mr.T.k.Saravanan,
Government Advocate

JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.AR.L.Sundaresan, learned Additional Solicitor-General for the appellant; Mr.S.Sathiaseelan, learned counsel for the first respondent and Mr.A.Edwin Prabhakar, learned State Government Pleader for respondents 2 and 3.

2. Learned Single Judge has directed the appellant to pay compensation based on the recommendation of the third respondent dated 31.12.2019 *qua* drumstick trees, within a period of six weeks.



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3. The prima donna contention of the appellant is that the first respondent/original writ petitioner was paid a total compensation of Rs.5,11,564/-. Learned counsel for the first respondent says that for drumstick trees only Rs.3,88,650/- is paid. The dispute is with regard to the number of trees/saplings. According to the appellant, the drumstick saplings are 700 in number; whereas according to the first respondent, the drumstick trees are 1200 in number. The dispute also appears to be about the rate of compensation.

4. In case there is a dispute with regard to compensation, then, under Section 16 of the Telegraph Act, the party has to move before the District Court. In that case, disputes with regard to the number of trees, quantum of compensation, and such other disputes can be raised before the District Court.

5. Reference can be had to the judgment of the Apex Court in the case of *Power Grid Corporation of India Ltd. vs. Century Textiles and Industries Ltd and others*, [(2017) 5 SCC 143].

6. In light of that, we set aside the judgment of the learned



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Single Judge with liberty to the first respondent/original writ petitioner to approach the District Court under Section 16 of the Telegraph Act. In case the first respondent/original writ petitioner files an application under Section 16 of the Telegraph Act before the District Court, then, all contentions of the parties are kept open. The District Court shall endeavour to decide the same expeditiously.

The writ appeal is allowed with the aforesaid observation and direction. There shall be no order as to costs. Consequently, CMP No.1791 of 2024 is closed.

(S.V.G., CJ.) (J.S.N.P., J.)
16.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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