



W.P.No.1518 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.1518 of 2022

K.M.Venkatachalamurthy

...Petitioner

Vs.

1. The District Collector,
Erode District, Erode.

2. The Executive Engineer,
Tamilnadu Electricity Board (Tower Line Construction),
Kamaraj Nagar, Athur Bye-pass road,
Udayarpatti, Salem – 14.

3. The Assistant Executive Engineer,
Tamilnadu Electricity Board (Tower Line Construction),
Mettur, Salem District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records on the file of the 1st respondent relating to Na.Ka.21215/2021/K4 dated 26.11.2021 and quash the same and consequently direct the respondents to pay a sum of Rs.54,77,652/- (Rupees Fifty Four Lakhs Seventy Seven Thousand Six Hundred and Fifty Two only) towards compensation for the loss of Coconut trees, Cassava and Banana Crops on account of erection of electric power



W.P.No.1518 of 2022

transmission lines over the agricultural land of the petitioner during the year 2015 by the second and third respondents within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.LSM.Hasan Fizal, AGP, for R1
: Mr.D.R.Arun Kumar, for R2 & R3

ORDER

This Writ petition has been filed seeking quashment of the order of the 1st respondent in Na.Ka.21215/2021/K4 dated 26.11.2021 and to consequently direct the respondents to pay a sum of Rs.54,77,652/- towards compensation for the damage of Coconut trees, Cassava and Banana Crops on account of erection of electric power transmission lines over the petitioner's agricultural land by the 2nd and 3rd respondents.

2. The case of the petitioner is that, the respondent board erected a HT electric power transmission lines over the petitioner's agricultural land during the year 2015 and during the said process, about 147 coconut trees, Cassava and Banana crops worth about Rs.65,00,000/- grown in the



W.P.No.1518 of 2022

petitioner's land were damaged. However, the respondent board had paid only a meagre compensation of Rs.7,08,348/- and despite the several representations made by the petitioner, till date, respondent board has not paid the balance compensation amount in favour of the petitioner, even as per their own calculation. The last representation made by the petitioner before the 1st respondent was on 27.09.2021, which came to be dismissed by the 1st respondent, vide impugned order dated 26.11.2021, denying the fair compensation sought by the petitioner, without adhering to the rules and regulations. Challenging the same, the petitioner has come forward with the present Writ petition.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. Though very many grounds have been raised by the learned counsel for the petitioner at the time of arguments, however, as against the order of the 1st respondent dated 26.11.2021 impugned in this Writ petition, when there is an effective appeal remedy available under Section 16(3) of the Indian Telegraph Act before the jurisdictional District Judge, without



W.P.No.1518 of 2022

exhausting the said appeal remedy, filing the present Writ petition is not sustainable. Hence, this Court, without interfering with the order impugned, grants liberty to the petitioner to approach the jurisdictional District Judge under Section 16(3) of the said Act seeking enhancement of compensation and workout his remedy in the manner known to law. Further, the period during which the matter was pending before this Court shall stand excluded for the purpose of computation of limitation, if any.

5. With the above liberty, this Writ petition stands disposed of. No costs.

14.08.2024

skt

NCC	: Yes/ No
Speaking Order	: Yes/ No
Index	: Yes/ No



W.P.No.1518 of 2022

WEB COPY

To

1. The District Collector,
Erode District, Erode.
2. The Executive Engineer,
Tamilnadu Electricity Board (Tower Line Construction),
Kamaraj Nagar, Athur Bye-pass road,
Udayarpatti, Salem – 14.
3. The Assistant Executive Engineer,
Tamilnadu Electricity Board (Tower Line Construction),
Mettur, Salem District.



WEB COPY



W.P.No.1518 of 2022

M.DHANDAPANI, J.

skt

W.P.No.1518 of 2022

14.08.2024



WEB COPY



W.P.No.1518 of 2022