



WEB COPY



W.P.No.7878 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7878 of 2022

Cheran Foundation Trust
Rep. By its Authorized Signatory,
No.78, Cheran Tower,
Arts College Road,
Coimbatore 641 018

... Petitioner

Vs.

- 1.The District Collector,
Office of the Collector,
Coimbatore 641 018
- 2.The District Revenue Officer,
Gopala Puram, Coimbatore,
Tamilnadu 641 018
- 3.The Assistant General Manager,
Power Grid Corporation of India Ltd.,
Avinashi Coimbatore Road,
Opp to Senni Andavar kovil Road,
Karumanthampatti,
Tamilnadu 641 659

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Mandamus directing the third respondent to act
in accordance with the directives issued by the second respondent in its



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letter dated 07.05.2021 in Oo.Mu.6933/2021/E2.

For Petitioner : M/s.V.Srimathi

For Respondents

For R1 & 2 : Mr.S.J.Mohamed Satik,
Government Advocate

For R3 : Mr.V.Kalyanaraman
for M/s.Aiyar and Dolia

ORDER

This writ petition has been filed for direction to the third respondent to act in accordance with the directions issued by the second respondent dated 07.05.2021.

2. The petitioner Trust owned land admeasuring 51 acres comprised in survey no.120, Kattampatti Village, Kinathukadavu Taluk, Coimbatore District. While being so, the first respondent had issued an order empowering the third respondent vide order dated 06.02.2020 to enter upon the land of the petitioner for erection of electric pylons. The petitioner also objected the same. However, the said objection was overruled and as such, the petitioner challenged the said order by way of writ petition before this Court in WP.No.12470 of 2020. This Court



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directed to consider the objections raised by the petitioner and to pass orders in accordance with law. Thereafter, the first respondent suggested two alternative proposals for placement of pylon on the petitioner's land. Thereafter, the first respondent issued notice to the petitioner dated 12.11.2020. On the said notice, the petitioner submitted representation and requested to issue stop work notice to the third respondent. However, the said request was not considered and the third respondent had erected towers. The petitioner was paid compensation of Rs.35,80,906/- and the same was received with protest.

3. Thereafter, the petitioner sought for enhancement of compensation and filed representation to the second respondent. In turn, it was forwarded to the third respondent. As per Section 16(3) of the Indian Telegraph Act, 1885, if any dispute arises concerning the sufficiency of the compensation to be paid under section 10, clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him. Therefore, the third respondent cannot act as an



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authority to enhance the compensation. Hence, the request made by the petitioner cannot be considered by the third respondent. That apart, the request was simply forwarded by the second respondent to the third respondent. Therefore, the prayer sought for in this writ petition cannot be considered. As such, this writ petition is devoid of merits and liable to be dismissed.

4. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to approach the competent court for enhancement of compensation in the manner known to law, if so advised. There shall be no order as to costs.

01.04.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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