



W.A.No.1116 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.No.1116 of 2022

1. The Power Grid Corporation of India Limited
represented by its Deputy General Manager (South)
B-9, Qutab Institutional Area
Katwaria Salai
New Delhi 110 016
 2. Junior Technician
Power Grid Corporation of India Limited
Kalivanthapattu, Guduvanchery
Kanchipuram District 603 202 .. Appellants
- v.
- Satpal Singh Ahluwalia
S/o Santokh Singh Ahluwalia .. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 23.12.2021 made in W.P.No.15428 of 2020.

For Appellants :: Mr.AR.L.Sundaresan
Senior Counsel/ASGI for
Mr.V.Kalyanaraman
for M/s Aiyar & Dolia



WEB COPY



W.A.No.1116 of 2022

For Respondent :: Mr.Avinash Wadhwani

JUDGMENT

(Judgment of the Court was made by S.S.SUNDAR,J.)

This writ appeal is directed against the order of the learned single Judge dated 23.12.2021 in a writ petition filed by the respondent in W.P.No.15428 of 2020.

2. Brief facts that are necessary for the disposal of this writ appeal are as follows:-

(a) The appellant-Power Grid Corporation of India Limited, while undertaking the project of construction of 400 KV double circuit transmission line from Thiruvalam to Kalivanthapattu, had to lay the transmission line through the land of the respondent. Incidentally, a few trees cultivated by the respondent had to be uprooted. It is not in dispute that a sum of Rs.2,27,000/- was paid to the respondent on 20.02.2015 by way of compensation.

(b) However, after receiving the amount by way of compensation, the



W.A.No.1116 of 2022

respondent, five years later, filed the writ petition in W.P.No.15428 of 2020 before this Court for issuance of a writ of mandamus directing the first appellant herein to pay compensation for 33 coconut trees felled at Location Nos.2/o to 2A/o at Survey Nos.133, 134, 135 and 193, Elayanallur Village, Katpadi Taluk, Vellore District, as per the directions of this Court in the case of Power Grid Corporation of India v. K.Radhakrishnan and others.

(c) The respondent contended before the learned single Judge that similarly placed persons who were affected due to erection of sub station in Coimbatore, had sought for enhancement of compensation by filing a petition before this Court and that this Court by its judgment in the case of *Power Grid Corporation of India Limited v. K.Radhakrishnan and others*, had fixed the compensation amount to the tune of Rs.20,000/- per coconut tree with interest at the rate of 9% with 30% solatium.

(d) The learned single Judge, after recording the fact that higher compensation has been fixed by this Court earlier in similar case for coconut trees, allowed the writ petition by reaching a conclusion that the respondent is also entitled to receive the enhanced compensation in line with the aforesaid judgment of this Court. Aggrieved thereby, the appellants



W.A.No.1116 of 2022

have preferred this writ appeal.

WEB COPY

3. Having heard the learned counsel on either side, on a close scrutiny of the order that was relied upon by the respondent before the learned single Judge, this Court finds that the said case is entirely different and the compensation referred to in the proceedings is in relation to felling of trees in Coimbatore. In this case, the respondent, having been paid the compensation even on 20.02.2015 after valuing the trees planted in Katpadi Taluk, Vellore, if aggrieved, has only the right of questioning the quantum before the District Judge within whose jurisdiction the property is situate.

4. Moreover, Sections 10 and 16 of the Indian Telegraph Act, 1885 are relevant and the Hon'ble Supreme Court in the case of *Power Grid Corporation of India Ltd., v. Century Textiles & Industries Ltd. and others*, (2017) 5 SCC 143, has reiterated the position that the remedy of a person aggrieved by the quantum of compensation is to file an application as contemplated under sub-section (3) of Section 16 of the Telegraph Act.

5. In this case, there is no scope for re-determination of compensation



W.A.No.1116 of 2022

on the basis of compensation awarded in a different case. The quantum of compensation is based on several factors and it cannot be uniform. It is to be noted that the compensation payable under the Land Acquisition Act is different from the compensation payable for the damages caused to the individual while laying the transmission line through the individual's property. The compensation need not be by adopting the capitalization method in every case. In such circumstances, this Court is unable to sustain the order of the learned single Judge in directing the appellants to pay compensation to the respondent in tune with what was paid to a person for the trees uprooted elsewhere. In the case cited by respondent, this Court has determined compensation pursuant to an order of remand by the Hon'ble Supreme Court, where it is categorically stated that proper multiplier for capitalization of yield should be adopted based on several factors. Hence there cannot be fixed compensation for trees. As contended by the learned Senior Counsel for the appellants, Section 16 of the Telegraph Act is very clear and the only remedy of the respondent is to file an application before the District Court concerned, if he is aggrieved by the quantum. Therefore, this writ appeal stands allowed and the order of the learned single Judge in



W.A.No.1116 of 2022

the writ petition is set aside. Since the learned counsel on either side is unable to bring to the notice of this Court any limitation prescribed for filing an application before the District Court, without expressing any opinion on the limitation issue, this Court permits the respondent to approach the District Court having jurisdiction under Section 16 of the Telegraph Act for enhancement of compensation with an expectation from the appellants to act fairly. Consequently, C.M.P.No.6860 of 2022 stands closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (K.R.S,J.)
08.08.2024

SS

To

1. The Deputy General Manager (South)
Power Grid Corporation of India Limited
B-9, Qutab Institutional Area
Katwaria Salai
New Delhi 110 016
2. Junior Technician
Power Grid Corporation of India Limited
Kalivanthapattu, Guduvanchery



Kanchipuram District 603 202

WEB COPY



W.A.No.1116 of 2022



WEB COPY



W.A.No.1116 of 2022

S.S.SUNDAR,J.

AND

K.RAJASEKAR,J.

SS

W.A.No.1116 of 2022

08.08.2024