



WEB COPY



WA No.1439/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.1439/2023
and WP No.12237/2023

WA No.1439/2023

Power Grid Corporation of India
rep. By its General Manager : Appellant

versus

1.S.Sagayamarsan
2.The District Collector cum
District Executive Magistrate,
Office of the District Collector,
Tiruvallur District : Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 22.02.2022 in WP No.33312/2014.

For Appellant : Mr.AR.L.Sundaresan,
Additional Solicitor-General,
assisted by Mr.S.Kalyanaraman

For 1st Respondent : Mr.R.Chittibabu

For 2nd Respondent : Mr.A.Edwin Prabhakar,
State Government Pleader



WA No.1439/2023

WP No.12237/2023

WEB COPY

The Power Grid Corporation of India
rep. By its General Manager

: Petitioner

versus

1.The District Collector cum
District Executive Magistrate,
Office of the District Collector,
Tiruvallur District

2.S.Sagayamarsan

: Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records relating to the proceedings bearing Rc.No.5736/2023/M2 dated 26.03.2023 on the file of 1st respondent and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Additional Solicitor-General,
assisted by Mr.S.Kalyanaraman

For 2nd Respondent : Mr.R.Chittibabu

For 1st Respondent : Mr.A.Edwin Prabhakar,
State Government Pleader

COMMON JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.AR.L.Sundaresan, learned Additional Solicitor-General, for Power Grid Corporation of India, Mr.R.Chittibabu, learned counsel for the private respondent and Mr.A.Edwin Prabhakar, learned State Government Pleader, for the District Collector, Tiruvallur District.



WA No.1439/2023

WEB COPY

2. Mr.S.Sagayamarsan/private respondent filed a writ petition bearing No.33312/2014, for a direction as against the District Collector, to determine the compensation for the erection of grid tower and laying of an electric line from his field. The learned Single Judge directed the District Collector, Tiruvallur District, to fix compensation amount and pass appropriate orders.

3. After the order was passed by the learned Single Judge in the writ petition filed by S.Sagayamarsan, the District Collector, Tiruvallur District, determined the compensation amount.

4. WP No.12237/2023 is filed by the Power Grid Corporation of India, challenging the amount of compensation determined by the District Collector, whereas WA No.1439 of 2023 is filed by the said Corporation challenging the order of the learned Single Judge directing the District Collector to decide the compensation amount.

5. Learned Additional Solicitor-General submits that under Section 16(3) of the Indian Telegraph Act, 1885, if there is a dispute



WA No.1439/2023

with regard to compensation, then the jurisdiction vests with the District Judge. The District Collector has no power to determine the compensation amount.

6. The learned counsel appearing for the claimant/private respondent, submits that pursuant to the order of the learned Single Judge, the District Collector, Tiruvallur has already determined the compensation amount and that the claimant is entitled for the said compensation amount.

7. The matter in issue is no longer res integra. 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], held that it is only the District Judge who has authority to determine the compensation amount. The relevant paragraph reads as under:

“27. At this stage, we deal with the direction of the Division Bench regarding compensation payable to the writ petitioner, or for that matter to the State Government. In the first instance, no such claim was laid by the writ petitioner in the writ petition or by the State Government before the High Court. Furthermore, the High Court could not



WA No.1439/2023

have given this task to the District Collector, which is contrary to the provisions of Section 16(C) of the Telegraph Act, 1885 which are extended to laying down of electricity lines. As per the provision, such an authority vests with the District Judge.”

8. In light of the above, the impugned order passed by the learned Single Judge in WP No.33312/2014 dated 22.02.2022 and the order passed by the District Collector, dated 26.03.2023, impugned in WP No.12237/2023 are quashed and set aside.

9. The claimant/Mr.S.Sagayamarsan is at liberty to file claim/application before the concerned District Judge, as provided under Section 16(3) of the Indian Telegraph Act. The application may be filed by the claimant, within one month from today.

10. After the application of 16(3) of Telegraph Act is filed by the claimant, he is entitled to withdraw Rs.1,00,000/- (Rupees One lakh only) deposited before the District Collector, by the Power Grid Corporation of India, upon submitting the proof of application. The remaining amount is allowed to be withdrawn by the Power Grid



WA No.1439/2023

Corporation of India. The amount withdrawn by the claimant would be subject to the decision in the application before the District Judge.

11. The parties would thereafter be governed by the decision rendered by the District Judge.

12. The writ appeal and writ petition allowed on above terms. There shall be no order as to costs. Consequently, WMP No.12090/2023 is also closed.

(S.V.G., CJ.)

(D.B.C., J.)

02.02.2024

Index : Yes/No
Neutral Citation : Yes/No
tar



WA No.1439/2023

To
WEB COPY

The District Collector cum
District Executive Magistrate,
Office of the District Collector,
Tiruvallur District



WEB COPY



WA No.1439/2023

THE HON'BLE CHIEF JUSTICE
AND

D.BHARATHA CHAKRAVARTHY, J.

(tar)

WA No.1439/2023
and WP No.12237/2023

02.02.2024