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W.P.Nos.17586 and 17471 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17586 and 17471 of 2022

And

W.M.P.Nos.16855 and 16913 of 2022

1.Jayakrishnan
2.J.Kamatchi ... Petitioners in W.P.No.17586/2022

1.J.Jayakrishnan
2.Rose Naidu
3.Baskaran ... Petitioners in W.P.No.17471/2022

Vs.

1.The District Collector,
Chengalpet.

2.Superintending Engineer
TANTRANSCO,
General Construction Circle – II,
Alandur, Chennai – 600 016.

3.Member Secretary
Chennai Metropolitan Development Authority
'Thalamuthu - Natarajan Maaligai',
No.1, Gandhi Irwin Road,
Egmore,
Chennai – 600 008. ... Respondents in both the W.Ps.

4.The Block Development Officer
St Thomas Mount,
Chitlapakkam,
Chennai – 64. ... Respondent in W.P.No.17586/2022



W.P.Nos.17586 and 17471 of 2022

Prayer in W.P.No.17586 of 2022:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus quashing the impugned order of rejection of compensation dated 06.06.2022 by the first respondent, consequently direct the first respondent to disburse compensation as per GO Ms 63 (A1) Energy dated 22.11.2017 for the width of Right of Way (RoW) corridor due to laying "Ottiyambakkam to Madambakkam 110KV SC KV" fixed high transmission lines over our lands situate in S.No.169/1, 168/2, 167/2, 166, 161, 165, 162/1B. 203/2, 2089/1, 209/1, 209/2, 219, 197, 168 and 219 in Village Ottiyambakkam, Tambaram Taluk, as applicable for diminution of land value and towards damages caused to us by erection of the towers and transmission line in our property and to acquire the subject land along the RoW corridor and award compensation for coerced acquisition of 6768 Sq M (72,851 Sq Feet) of land under Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 as the same has been forcibly acquired by the third respondent by means of Gift Deed – a condition set precedent for approval of the development of the land.

Prayer in W.P.No.17471 of 2022:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus quashing the impugned order of rejection of compensation dated 06.06.2022 by the first respondent, consequently direct the first respondent to disburse compensation as per UOI circular dated 15.10.2015 and GO Ms 63



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(A1) Energy dated 22.11.2017 and other statutes for the width of Right of Way (RoW) corridor due to laying "Ottiyambakkam to Kits Park 230KV & Ottiyambakkam to TNSCB Perumbakkam 110KV" fixed high transmission lines over our lands situate in S.No.224/1A1, 224/1A2, 224/1B, 224/2, 224/3, 224/4, 225/2, 226/2B and 226/3A in Village Ottiyambakkam, Tambaram Taluk, as applicable for diminution of land value and towards damages caused to us by erection of the towers and transmission line in our property and to acquire the subject land below the RoW corridor and award compensation for coerced acquisition of 6599 Sq M (71,032 Sq Feet) of land under Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 as the same has been forcibly acquired by the third respondent by means of Gift Deed – a condition set precedent for approval of the development of the land.

For Petitioners : Lieutenant Colonel Ganesan S

For Respondents : Mr.Yokesh Kannadasan
Special Government Pleader
for R1 and R4 in W.P.No.17586/2022
for R1 in W.P.No.17471/2022

Mr.D.R.Arun Kumar for R2
Mr.Y.Bhuvanesh Kumar for R3
in both the W.Ps.

COMMON ORDER

W.M.P.No.16855 of 2022 filed to permit the petitioners to file the writ petition in W.P.No.17586 of 2022 jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within two



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weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2.W.P.No.17586 of 2022 has been filed by the petitioners seeking issuance of Writ of Certiorarified Mandamus quashing the impugned order of rejection of compensation dated 06.06.2022 by the first respondent, consequently direct the first respondent to disburse compensation as per G.O.Ms.No.63 (A1), Energy, dated 22.11.2017 for the width of Right of Way (RoW) corridor due to laying "Ottiyambakkam to Madambakkam 110KV SC KV" fixed high transmission lines over the petitioners lands situate in S.Nos.169/1, 168/2, 167/2, 166, 161, 165, 162/1B, 203/2, 2089/1, 209/1, 209/2, 219, 197, 168 and 219 in Village Ottiyambakkam, Tambaram Taluk, as applicable for diminution of land value and towards damages caused to the petitioners by erection of the towers and transmission line in their property and to acquire the subject land along the RoW corridor and award compensation for coerced acquisition of 6768 Sq M (72,851 Sq Feet) of land under Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 as the same has been forcibly acquired by the third respondent by means of Gift Deed – a



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condition set precedent for approval of the development of the land.

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3.W.P.No.17471 of 2022 has been filed by the petitioners seeking issuance of Writ of Certiorarified Mandamus quashing the impugned order of rejection of compensation dated 06.06.2022 by the first respondent, consequently direct the first respondent to disburse compensation as per UOI circular dated 15.10.2015 and G.O.Ms.No.63, (A1) Energy, dated 22.11.2017 and other statutes for the width of Right of Way (RoW) corridor due to laying "Ottiyambakkam to Kits Park 230KV & Ottiyambakkam to TNSCB Perumbakkam 110KV" fixed high transmission lines over our lands situate in S.Nos.224/1A1, 224/1A2, 224/1B, 224/2, 224/3, 224/4, 225/2, 226/2B and 226/3A in Village Ottiyambakkam, Tambaram Taluk, as applicable for diminution of land value and towards damages caused to the petitioners by erection of the towers and transmission line in their property and to acquire the subject land below the RoW corridor and award compensation for coerced acquisition of 6599 Sq M (71,032 Sq Feet) of land under Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 as the same has been forcibly acquired by the third respondent by means of Gift Deed – a condition set precedent for approval of the development



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of the land.

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4.The learned counsel appearing for the petitioners submitted that the petitioners are the owners of the lands situated in S.Nos.169/1, 168/2, 167/2, 166, 161, 165, 162/1B, 203/2, 2089/1, 209/1, 209/2, 219, 197, 168 and 219 in Village Ottiyambakkam, Tambaram Taluk and S.Nos.224/1A1, 224/1A2, 224/1B, 224/2, 224/3, 224/4, 225/2, 226/2B and 226/3A in Village Ottiyambakkam, Tambaram Taluk respectively, and the said lands are utilized by the second respondent for erection of Super High Tension Transmission Lines and Tower Bases in terms of Section 10 (d) of the Indian Telegraph Act, however, fair compensation was not paid to the petitioners. Thereby the petitioners filed made representations before the first respondent in terms of Section 16 (1) of the Indian Telegraph Act and the same were rejected by the first respondent.

5.The learned counsel appearing for the petitioners further submitted that if any dispute arises with regard to the compensation, the remedy available to the petitioners is to file claim petition before the District Judge within whose jurisdiction the property is situated in

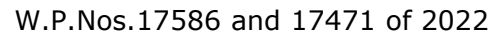


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terms of Section 16 (3) of the Indian Telegraph Act. Hence, this Court, without going into the merits of the case, may grant liberty to

the petitioners to file claim petition before the District Judge within whose jurisdiction the property is situated and issue direction to the concerned District Judge to entertain the same and to pass appropriate orders in terms of Section 16 (3) of the Indian Telegraph Act within a reasonable time frame and further submitted that the period during which the petitioners representations were pending before the first respondent and the period during which these writ petitions were pending before this Court may be excluded for the purpose of limitation.

6.The learned Special Government Pleader submitted that the petitioners lands were acquired by the third respondent by means of Gift Deed. Once the petitioners gifted their lands to the local Authority, the petitioners are not entitled for any compensation. However, if the petitioners file any claim petition before the jurisdictional District Judge, the respondents may be permitted to take their defence before the concerned District Judge.



8. The writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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



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To

- 1.The District Collector,
Chengalpet.
- 2.The Superintending Engineer
TANTRANSCO,
General Construction Circle – II,
Alandur, Chennai – 600 016.
- 3.The Member Secretary
Chennai Metropolitan Development Authority
'Thalamuthu - Natarajan Maaligai',
No.1, Gandhi Irwin Road,
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