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W.P No.18457 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.18457 of 2022

K.Brijbala

... Petitioner

Versus

- 1.The Chairman,
TANTRANSCO,
NPKRP Maaligai,
No.144, Anna Salai,
Chennai 600 002.
- 2.The District Collector,
Thirupattur District,
Thirupattur.
- 3.The Tahsildar,
O/o. The Tahsildar,
Tirupattur Taluk,
Tirupattur District.
- 4.M/s.Kalpathra Power Transmission Ltd.,
Rep. By its Assistant General Manager,
Mettur – Thiruvalam Power
Transmission Line Construction,
TANTRANSCO,
Dharmapuri.
- 5.The Executive Engineer,
Mettur – Thiruvalam Power Transmission Line Construction,
TANTRANSCO,
Dharmapuri.



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6.The Additional Divisional Engineer,
Mettur – Thiruvalem Power Transmission Line Construction,
TANTRANSCO,
Dharmapuri.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceeding in Na.Ka.No.D1/892/2022 dated 09.05.2022 and to quash the same and consequently, directing the respondents 2 and 4 to pay a compensation based on the petitioner's representation dated 16.03.2020 for acquisition of the petitioner's land comprised in Survey No.299/2C to an extent of 0.18.60 Ares (20056 sq.ft.), situated at of Nariyaneri Village, Thirupattur Taluk and District for establishment of 400 KV transmission Double Circuit line with QUAD Moose Conductor from MTPS Stage III to Thiruvalem 400 KV SS.

For Petitioner : Mr.C.S.Vijayakumar

For Respondents : Mr.D.R.Arunkumar (For R1, R4 to R6)

Mr.Yokesh Kannadasan (for R2)
Special Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceeding in Na.Ka.No.D1/892/2022 dated 09.05.2022 and to quash the same and consequently, to direct the respondents 2 and 4 to pay a compensation



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based on the petitioner's representation dated 16.03.2020 for acquisition of the petitioner's land comprised in Survey No.299/2C to an extent of 0.18.60 Ares (20056 sq.ft.), situated at of Nariyaneri Village, Thirupattur Taluk and District for establishment of 400 KV transmission Double Circuit line with QUAD Moose Conductor from MTPS Stage III to Thiruvalam 400 KV SS.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the land comprised in Survey No.299/2C to an extent of 0.18.60 Ares (20056 sq.ft.), situated at of Nariyaneri Village, Thirupattur Taluk and District and the said land is utilized by the 3rd 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 petitioner. Thereby the petitioner filed representation before the 2nd respondent in terms of Section 16 (1) of the Indian Telegraph Act and the same were rejected by the 2nd respondent.

3. The learned counsel appearing for the petitioner further submitted that if any dispute arises with regard to the compensation, the remedy available to the petitioner is to file claim petition before the District Judge within whose jurisdiction the property is situated in terms of Section 16 (3) of the Indian



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Telegraph Act. Hence, this Court, without going into the merits of the case, may grant liberty to the petitioner 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 petitioner's representation is pending before the 2nd respondent and the period during which this writ petition is pending before this Court may be excluded for the purpose of limitation.

4. The learned counsel submitted that the petitioner's land was acquired by the third respondent by means of Gift Deed. Once the petitioner gifted her lands to the local Authority, the petitioner is not entitled for any compensation. However, if the petitioner files any claim petition before the jurisdictional District Judge, the respondents may be permitted to take their defence before the concerned District Judge.

5. Considering the submissions made on either side, this Court without expressing any opinion in respect of the entitlement of compensation, grants permission to the petitioner to file claim petition before the District Judge



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within whose jurisdiction the property is situated in terms of Section 16 (3) of the Indian Telegraph Act, within a period of three weeks from the date of receipt of a copy of this order. If any such claim petition is filed by the petitioner, the concerned District Judge, shall after providing opportunity to the petitioner as well as the respondents, pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

6. The Writ Petition is accordingly disposed of. No costs.

07.08.2024

Index : Yes/No
Internet : Yes/No
gsa

To

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2.The District Collector,
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