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W.A.No.2649 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.2649 of 2021

1. The Chairman
Tamil Nadu Generation and Distribution Corporation Ltd.
N.P.K.R. Ramasamy Maligai
144, Anna Salai, Chennai – 600 002.
 2. The Superintending Engineer
Tamil Nadu Electricity Board
General Construction Circle – II
Guindy, Chennai – 600 032.
- .. Appellants

Vs.

1. V.Ranganathan
 2. V.Vembuli
 3. District Collector
Kancheepuram District
Kancheepuram – 631 501.
- .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 24.02.2020 in W.P.No.32820 of 2017.

For Appellants : Mr.D.R.Arunkumar
Standing Counsel

For Respondents : Mr.Jerry V.V. Sundar
for R1 and R2

Mr.D.Gopal
Government Advocate
for R3



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JUDGMENT

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

Tamil Nadu Generation and Distribution Corporation Limited
[hereinafter referred to as "TANGEDCO"] is the appellant before us.

2. The appellants constructed transmission lines in the property belonging to the private respondents. Therefore, the private respondents are entitled to claim damages and the District Collector is empowered to adjudicate the issues under the provisions of the Indian Telegraph Act, 1885, and to determine the compensation with a direction to settle the sum in favour of the land owners. The private respondents preferred the writ petition to assail the proceedings of the Superintending Engineer, Tamil Nadu Electricity Board and to direct the Superintending Engineer to grant appropriate compensation to the private respondents.

3. The learned Single Judge made an observation that the Government of Tamil Nadu adopted the guidelines issued by the Government of India in G.O.Ms.No.63 dated 22.11.2017. Thus, the private respondents are entitled to claim compensation based on the said Government Order.



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4. TANGEDCO preferred the appeal mainly on the ground that the said Government Order can be applied prospectively. In the present case, the approval was granted by the authorities on 09.04.2008 and transmission lines were erected on 09.05.2010 and the operation commenced in the year 2015. That being so, the Government Order, adopting the decision of the Government of India, cannot be applied in the case of the private respondents.

5. The application of the relevant Government Order also may be considered by the District Collector during the course of adjudication. The quantum of compensation, to be paid to the land owners, is to be determined only after adjudication. Therefore, the appellants are at liberty to submit all the relevant Government Orders for consideration before the District Collector during the course of adjudication. The private respondents are also at liberty to submit their objections/documents, if any, for the purpose of determining the compensation, to be settled to the land owners.

6. Since the Writ Court has relegated the parties to approach the District Collector for adjudication, we are not inclined to interfere. However, we made in clear that the observations made by the Writ Court regarding the application of the Government Orders



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is to be considered by the District Collector independently on merits and in accordance with law. In other words, the District Collector shall pass orders uninfluenced by the observations made by the Writ Court.

7. With these clarifications, the writ appeal stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.17228 of 2021 is closed.

(S.M.S., J.) (C.K., J)
15.07.2024

Neutral Citation: Yes/No

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To:

1. District Collector
Kancheepuram District
Kancheepuram – 631 501.



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S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

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