



WEB COPY



WA No.367 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WA No.367 of 2024

1. R.Suppathal
2. S.Velusamy
3. K.Rajkumar
4. P.Muthu

.. Appellants

-vs-

1. The District Collector,
Palladam Road, Tirupur.
2. The Principal Secretary,
Revenue and Disaster Management Department,
Secretariat, Chennai.
3. The Principal Secretary,
Commercial Tax and Registration Department,
Secretariat, Chennai.
4. Power Grid Corporation of India,
B-9, Qutab Institutional Ara Katwaria
Sarai, New Delhi 110 016.

.. Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in W.P.No.19555 of 2021 dated 16.09.2021.

For the Appellants : Mr.K.Vasanthanayagan



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For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.T.K.Saravanan,
Govt. Advocate for RR 1 to 3
* * * * *

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.K.Vasanthanayagan, learned counsel for the appellants and Mr.A.Edwin Prabakar, learned State Government Pleader assisted by Mr.T.K.Saravanan, learned Government Advocate for respondent Nos.1 to 3.

2. The judgment of the learned Single Judge is assailed. The learned Single Judge has observed that the appellants can move under Section 16 of the Indian Telegraph Act, 1885, before the District Collector. In fact, the compensation can be determined by the District Judge.

3. The learned counsel for the appellants submits that the compensation need to be determined as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition,



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Rehabilitation and Resettlement Act, 2013.

4. In fact, the land of the appellants is not acquired. The high tension line is taken above the land of the appellants. There is nothing to point out that the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act would apply.

5. In absence of any land of the appellants being acquired, it would not be possible to accept the contention of the appellants for applicability of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act only because the high tension line goes above the land of the appellants.

In light of that, we do not find any error in the judgment of the learned Single Judge. The Writ Appeal as such is disposed of. There shall be no order as to costs.

(S.V.G., CJ.) (J.S.N.P., J.)
08.04.2024

Index : Yes/No
Neutral Citation : Yes/No



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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(sra)

To

1. The District Collector,
Palladam Road, Tirupur.
2. The Principal Secretary,
Revenue and Disaster Management Department,
Secretariat, Chennai.
3. The Principal Secretary,
Commercial Tax and Registration Department,
Secretariat, Chennai.

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