



W.P.(MD)No.17551 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.17551 of 2018

R.Periasamy Nadar

...Petitioner

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Additional General Manager,
Construction Area Office,
Power Grid Corporation of India,
Tirunelveli.

3.The Joint Director,
Agricultural Department,
Tirunelveli.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.K(2) / P.S.R.27 / 2011, dated 28/7/2016, quash the same and consequently direct the 1st respondent to award the just and fair compensation based on the original certificate issued by the 2nd respondent in favour of the petitioner between 04/10/2006 to 17/12/2007.



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For Petitioner : Mr.S.S.Thesigan
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for RR1 & 3
Mr.S.Suresh for R2

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 28.07.2016, thereby directed the parties to get compensation through the Court, since there is a dispute with regard to number of trees which were cut down by the second respondent.

2.The petitioner is the owner of the property comprised in survey No. 1295/1A23 situated at Melapattamudaiyarpuram Village, Alangulam Taluk, Tirunelveli District. He planned all fruits bearing trees. While being so, the first respondent for the purpose of transporting electricity to various places from the Atomic Power Station, Koodangulam has decided to erect electricity towers. There is the electricity towers due to which 439 trees were cut down and the petitioner has also issued certificate to that extent certifying that they had cut down different kinds of trees in the petitioner' land. The Certificate was issued to the petitioner from 04.10.2006 to 17.12.2007 on various dates by the second



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respondent. Accordingly, the petitioner is entitled for compensation for the trees cut down by the second respondent. The value of trees to be assessed by the third respondent herein. The first respondent has to pass an award. However, though the petitioner made claim to the first respondent herein, he did not pass any award and as such the petitioner was constrained to approach this Court in W.P.(MD)No.601 of 2010 and this Court by an order dated 10.06.2016, directed the first respondent to hold an enquiry and pass orders within a period of four weeks from the date of receipt of a copy of this order. As directed by this Court, the first respondent conducted an enquiry and during the enquiry, there was dispute in respect of the number of trees, which were fell down by the second respondent.

3. According to the learned Counsel appearing for the petitioner, there are totally 439 different kinds of trees. But according to the learned Counsel for the second respondent, only 300 trees were cut down. Therefore, the first respondent ordered to enquire by the Tahsildar and the Tahsildar conducted an enquiry and submitted a report on 19.01.2010. As per his report, 355 trees were cut down. However, the petitioner as well as the second respondent did not agree for the same and they are willing to approach the Court for compensation and as such, the first respondent directed the parties to approach the Court for



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compensation.

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4. On perusal of the certificate issued to the petitioner from 04.10.2006 to 17.12.2007 after cutting the trees such as Coconut trees, Neem Trees, Palmyra trees and Betel nut trees. The petitioner was issued the certificates certifying those trees are felled down by the second respondent. There are totally 439 different kinds of trees.

5. A perusal of the counter filed by the second respondent reveals that the Certificates were issued for the proposed number of trees which were to be cut down. The next column of the tabular column shows that the actual number of trees are cut down during execution of work. But on perusal of the certificates issued in favour of the petitioner show that all the number of trees were mentioned under the caption of the particulars of the trees cut/ crops damaged. It did not even whisper about proposed trees to be cut down. Therefore, In order to neglect the claim for the petitioner and to reduce the compensation, now the second respondent is taken a stand that the certificate was issued for the proposed number of trees to be cut down. The proposal for cutting the trees, no one is certified.



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6.It is unfortunately stated that the first respondent ought to have verified the certificates issued by the second respondent in favour of the petitioner to ascertain the number of trees which were cut down by the second respondent during execution of drawing of electricity line instead of directing the Tashildar to inspect and report. In fact, this Court has already directed the first respondent to consider the claim petition after giving opportunity of hearing to the petitioner and the second respondent disposed the claim petition.

7.In view of the above, the order passed by the first respondent is liable to be quashed and the first respondent is directed to go ahead by the certificates issued in favour of the petitioner by the second respondent with regard to number of trees which were cut down during execution of drawing of electricity line and on receipt of the variation report from the third respondent for the trees which were cut down, award compensation to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is at liberty to seek compensation for non-utilisation of the lands in which the second respondent has drawn to claim in accordance with law. On receipt of the same, the first respondent is simultaneously directed to consider the claim for the lands after giving opportunity of hearing to the second respondent.



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8. With the above said directions, this writ petition stands allowed. No costs.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

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