



W.P.(MD)No.27205 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.27205 of 2024

V.Odison

... Petitioner

Vs.

1. The District Collector,
Karur District,
Karur.
2. The Assistant Director of Agriculture,
O/o. Assistant Director of Agriculture,
Thanthoni,
Karur – 639 001.
Karur District.
3. The Superintending Engineer,
PWD,
110 KV, Trichy,
Sub Station Complex,
Periyamilagupparai,
Trichy – 620 002.
4. The Superintending Engineer,
Power Line Construction,
Mannarpuram,
Trichy - 620 020.
5. The Executive Engineer,
Power Line Construction,
Mannarpuram,
Trichy - 620 020.

... Respondents



W.P.(MD)No.27205 of 2024

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned letter issued by the 5th respondent, in Se.Po/ Mi.Tho.Ka/ Trichy/ Tha.Varai/ Ko.Othakadai 110 Ki Vo Minpathai/ No. 456/2024, dated 24.07.2024 and quash the same as illegal and to direct the respondents to issue a fair compensation of Rs.15,00,000/- (Rupees Fifteen Lakhs only) for the 25 hybrid coconut tress removed from the petitioner's agricultural land, situated in S.Nos.42 and 43 in Melappalayam Village, Karur District, as mentioned in the petitioner's representation dated 28.06.2024, within a time frame, as fixed by this Court.

For Petitioner	: Mr.P.Santhana Krishnan
For R-1 & R-3	: Mr.S.Kameshwarar Government Advocate
For R-4	: Mr.S.Deenadhayalan

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned letter issued by the 5th respondent, in Se.Po/ Mi.Tho.Ka/ Trichy/ Tha.Varai/ Ko.Othakadai 110 Ki Vo Minpathai/ No. 456/2024, dated 24.07.2024 and quash the same as illegal



W.P.(MD)No.27205 of 2024

WEB COPY

and to direct the respondents to issue a fair compensation of Rs.15,00,000/- (Rupees Fifteen Lakhs only) for the 25 hybrid coconut tress removed from the petitioner's agricultural land, situated in S.Nos.42 and 43 in Melappalayam Village, Karur District, as mentioned in the petitioner's representation dated 28.06.2024."

3. Heard the learned counsel on either side and perused the entire materials available on record.

4. The fifth respondent had drawn high tension electricity line over the petition mentioned property. It is clarified that the fifth respondent had removed 25 hybrid coconut trees. However, only a compensation of Rs. 2,15,338/- came to be fixed and disbursed to the petitioner. But the petitioner claims that by fixing a minimum rate of Rs.15,000/- per tree, a total amount of Rs.15,00,000/- (Rupees Fifteen Lakh only) for all the removed trees ought to have been paid by the fifth respondent. Since the same was not considered, the petitioner has made a representation to the official respondent in this regard. However, the same was rejected by stating that already reasonable compensation has been granted in this regard. Challenging the same, this Writ



W.P.(MD)No.27205 of 2024

Petition came to be filed.

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5. When the matter came up for hearing, the learned Counsel for the petitioner insisted for grant of enhanced compensation for removal of the petitioner's hybrid coconut trees.

6. Per contra, the learned Counsel for the fifth respondent relying upon Section 16 (3) of Indian Telegraph Act, 1885, submitted that if any dispute arises with respect to the sufficiency of compensation to be paid under Section 10d (iii) of the Indian Telegraph Act, it shall be made only on an application made by the aggrieved/disputed party in this regard to the District Judge within whose jurisdiction the property is situated to be determined by him.

7. Fully agreeing with the submissions for the learned Standing Counsel, this Court hereby direct the petitioner to approach the jurisdictional District Court in this regard, seeking enhanced compensation. Considering the age of the petitioner, who is 78 years old, this Court hereby expect the jurisdictional District Court to decide all the issues with respect to the question of sufficiency of the compensation to be provided to the writ petitioner, within a period of four (4) weeks from the date of receipt of such application. Such a direction is given following the judgment of Hon'ble Division Bench in W.A.380 of 2020



W.P.(MD)No.27205 of 2024

dated 18.08.2021.

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8. Accordingly, with the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes
jbr

20.11.2024

NOTE: Issue order copy on 20.11.2024

To

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Karur.
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W.P.(MD)No.27205 of 2024

L.VICTORIA GOWRI, J.

jbr

W.P.(MD)No.27205 of 2024

20.11.2024