



W.P.(MD) Nos.23170, 23171 and 23247 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) Nos.23170, 23171 and 23247 of 2017

- | | |
|---------------|---|
| 1.Savarimuthu | .. Petitioner in W.P.(MD)No.23170 of 2017 |
| 2.Niranjana | .. Petitioner in W.P.(MD)No.23171 of 2017 |
| 3.Amaladass | .. Petitioner in W.P.(MD)No.23247 of 2017 |

Vs.

- 1.The Chariman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-2.
- 2.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Sivagangai,
Sivagangai District.
- 3.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Madurai Region,
K.Pudhur, Race Course Road,
Madurai 600 007.
- 4.The District Collector,
Sivagangai District,
Sivagangai.

.. Respondents in all petitions

Prayer in W.P.(MD)No.23170 of 2017: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to



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direct the respondents to pay suitable compensation amount on par with the present Market Value to the petitioner for acquiring his land for installing the Electric Tower in his agricultural patta land in S.No.77/6B (74 cents) and in S.No.77/3B1 (38 cents) of Kurunthani Varienthal Village Group, Kalayarkoil Taluk, Sivagangai District.

Prayer in W.P.(MD)No.23171 of 2017: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to pay suitable compensation amount on par with the present Market Value to the petitioner for acquiring his land for installing the Electric Tower in his agricultural patta land in S.No.77/6A (64 cents) of Kurunthani Varienthal Village Group, Kalayarkoil Taluk, Sivagangai District.

Prayer in W.P.(MD)No.23247 of 2017: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to pay suitable compensation amount on par with the present Market Value to the petitioner for acquiring his land for installing the Electric Tower in his agricultural patta land in S.No.77/3B2 (38 cents) of Kurunthani Varienthal Village Group, Kalayarkoil Taluk, Sivagangai District.

In all petitions:-

For Petitioner : Mr.V.Kannan



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For Respondents : Mr.S.Deenadhayan
Standing Counsel for R1 to R3

Mr.R.Sureshkumar
Additional Government Pleader for R4

COMMON ORDER

The claim in these writ petitions is for a direction to the respondents to pay suitable compensation on par with the present market value to the petitioners for acquiring the lands for installing the electric towers in his agricultural patta land.

2.The learned Standing Counsel appearing for the respondents 1 to 3 would submit that while the respondents entered upon the petitioners' land for the purpose of laying the lines, they had been provided with compensation. Therefore, he would submit that the petitioners are acquired for making a claim for further compensation.

3.I had an occasion to deal with the same issue in a writ petition in ***W.P.(MD)No.6528 of 2013, dated 22.02.2023 [K.Gnaniah Nadar Vs. The Power Grid Corporation of India and Others*** reported in ***2023 (2) Writ LR 47]***. After dealing with the right of the land owners for seeking



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compensation and also taking into account the further Government orders passed in the regard, has also held that the claim for compensation cannot be hit by limitation as a damage continues on each and every day till the tower and line existed in the lands of the land owners. However, I also held that such petition can only be encouraged by the District Judge within whose district, the property is situate in view of Section 16(3) of the Indian Telegraph Act, 1885.

4.Since I have already held so, these writ petitions are disposed of with liberty to the petitioners to approach the District Judge, who has territorial jurisdiction of where the property is situated by invoking his powers under Section 16(3) r/w 10(d) of the Indian Telegraph Act, 1885. However, there shall be no order as to costs.

12.12.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

The District Collector,
Sivagangai District,
Sivagangai.



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K.KUMARESH BABU, J.

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