



WEB COPY



W.P.No.4714 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4714 of 2025
and W.M.P.No.5234 of 2025

D.Hari Krishna

.. Petitioner

Vs.

1.The District Collector,
Ranipet Collector Office,
Ranipet District.

2.Power Grid Corporation of India Limited,
Rep. by its Authorized Officer,
765/400 KV, Sub Station,
K.R.Thangal Village (PO), Katpadi Taluk,
Vellore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records of the 1st respondent pertaining to the impugned order in Na.Ka.E1/10096/2023 dated 26.12.2023 and to quash the same as illegal, ultra-vires, violation of principles of natural justice, and consequently direct the respondents to grant adequate and fair compensation based on the guidelines and market value of the property and principle laid down by the Apex Court along with the interest.



W.P.No.4714 of 2025

For Petitioner : Mr.G.Murugendran
For R1 : Mr.V.P.R.Elamparithi
Additional Government Pleader
For R2 : Mr.Kalyanaraman
for Aiyar & Dolia

ORDER

The writ petition is filed challenging the impugned order dated 26.12.2023 in and by which the 1st respondent – District Collector has turned down the request of the petitioner to enhance the compensation.

2.Upon perusal of the affidavit, the grievance of the petitioner seems to be that he is the owner of the properties to an extent of 2.12 Hectares at Survey No.276/7, 276/8, 276/11, 275/8, 275/2 situated at Neelagandapuram, Maruthalam Panchayat, Sholingur Taluk, Ranipet District. While so, the 2nd respondent Corporation entered into his land in exercise of the power under the Indian Telegraph Act, 1885, and installed High Voltage Electricity Power Transmission tower and the petitioner was paid a sum of Rs.28,70,838/- as compensation for the trees in his land. However, the petitioner seeks enhancement of the compensation. It is the grievance of the petitioner that



W.P.No.4714 of 2025

proper multiplier in respect of the trees were not adopted. According to the claim of the petitioner, he will be entitled to a total sum of Rs.2,62,78,500/-.

3.It can be seen that as per Section 16(3) of the Indian Telegraph Act, 1885, if the petitioner is aggrieved by the quantum of compensation, the petitioner has to file appropriate petition before the District Court and it is the District Court which is the competent authority, after considering the evidence on record and to enhance the compensation. However, without doing so, the petitioner earlier approached this Court by way of W.P.No.8652 of 2023 and at the admission stage, even though the 2nd respondent made an objection that it is only the District Court is the appropriate authority, this Court directed the 1st respondent – District Collector to consider the representation, pursuant to which the impugned order is passed.

4.Mr.C.Murugendran, learned counsel for the petitioner would submit that the District Collector has not at all considered the proper multiplier, which was the very grievance of the petitioner and rejected the claim of the petitioner.

5.Be that as it may, this Court only directed the District Collector to



W.P.No.4714 of 2025

consider the representation. The District Collector ought to have decided that the petitioner should approach only the District Court and the District Collector has no jurisdiction to enhance or to deal with the claim of the petitioner on merits. The legal position has already been laid down by the Division Bench of this Court in **W.A.No.2534 of 2023** dated **22.09.2023** in the case of **N.Thangaraj and others Vs. The Chief Manager and others**. Hence, this Writ Petition is disposed of in the following terms:

(i)The impugned order of the 1st respondent – District Collector dated 26.12.2023 bearing Na.Ka.E1/10096/2023 shall stand quashed;

(ii)The petitioner will be entitled to file a new Indian Telegraph Original Petition (ITOP) before the jurisdictional District Court within a period of three (3) weeks from the date of receipt of a web copy of this order without waiting for the certified copy of the order;

(iii)If the petition is filed before the jurisdictional District Court, the same shall be treated as within time and the District Court shall take the same on file and deal with the same in the manner known to law and consider the claim of the petitioner for enhancement of the compensation in accordance with law;



W.P.No.4714 of 2025

(iv) Needless to mention that all the defense of the 2nd respondent Corporation is kept open to be raised before the concerned District Court in the manner known to law;

(v) In view of the fact that the petitioner was so far foot balled, the District Court is requested to give preference to this matter and deal with the same as expeditiously as possible.

6. Accordingly, this Writ Petition is disposed of with the above directions. Consequently, the connected Miscellaneous Petition is closed. No costs.

12.02.2025

krk

Neutral Citation : No

To

1. The District Collector,
Ranipet Collector Office, Ranipet District.
2. Power Grid Corporation of India Limited,
Rep. by its Authorized Officer,
765/400 KV, Sub Station,
K.R.Thangal Village (PO), Katpadi Taluk,
Vellore District.



WEB COPY



W.P.No.4714 of 2025

D.BHARATHA CHAKRAVARTHY, J.

krk

W.P.No.4714 of 2025

12.02.2025