



W.P.No.12819 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 15.04.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12819 of 2025
& W.M.P.No.14364 of 2025

M/s.Sree Maruthi Agrotech Pvt Ltd,
Represented by its Executive Director K.Gurumoorthy,
Having Registered Office at No.1402,
Thaiyur Village, Kovalam Road,
Kelambakam 603103.

... Petitioner

/versus/

1.The State Of Tamilnadu
Represented by its Secretary,
Department of Energy,
Fort St George,
Chennai 600 009.

2.The Chairman,
Tamilnadu Transmission Corporation Limited,
TANTRANSCO, No.144 Anna Salai,
Chennai.

3.The Superintendent Engineer,
TANTRANSCO GCC-1,
A-10 Thiru-Vi-ka Industrial Estate,
Guindy, Chennai 600 032.

4.The District Magistrate,
The District Collector,
Chengalpatu District.

... Respondents



W.P.No.12819 of 2025

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order dated 19.12.2024 issued by the 4th respondent and quash the same and further direct the respondents 1 to 3 individually or severally to award the compensation payable to the petitioner in terms of the G.O.(MS).No.63 dated 22.11.2017 and G.O.(Ms).No.86 dated 30.10.2019 read with Condition No.19 of the licence agreement dated 17.08.2015.

For Petitioner : Mr.Hari Radhakrishnan

For Respondents : Mr.D.R.Arun Kumar, for R2 & R3.
: Mr.V.Venkata Seshaiya,
Government Advocate, for R1 & R4

ORDER

The prayer in the writ petition is to quash the impugned order dated 19.12.2024 issued by the 4th respondent and to quash the same and further direct the respondents 1 to 3 to award compensation payable to the petitioner in terms of G.O.(MS).No.63 dated 22.11.2017 and G.O.(Ms).No.86 dated 30.10.2019.

2. Mr.Hari Radhakrishnan, Learned Counsel appearing on behalf of



W.P.No.12819 of 2025

the petitioner would submit that the petitioner is a lessee and was cultivating salt in the lands allotted to him by way of the lease by the appropriate Department. While so, the respondents 2 and 3 have entered into the said lands and have also disposed the petitioner of certain extent and erected towers. There are other losses for the petitioner also. When the petitioner claimed compensation, the same was not considered. Under the circumstances, the petitioner earlier approach this Court in W.P.No.25019 of 2022 and by an order dated 22.12.2023, this Court found on merits that the petitioner will be entitled to compensation and it is not enough that the concerned department issues No Objection Certificate to the 2nd and 3rd respondents herein and in that regard directed the Collector to reconsider the entire issue with reference to the compensation by setting aside the proceedings of the District Collector and remanding the matter back by order dated 07.05.2022. Pursuant thereto now the impugned order dated 09.12.2024 is passed. Once again, the District Collector only relies upon the inter departmental licence agreement and does not consider the loss that had occurred to the petitioner. This according to the petitioner is illegal and therefore, the petitioner is before this Court.

3. The Learned Counsel would also rely upon the judgement of the Hon'ble Supreme Court of India in ***Kerala State Electricity Board v. Livisha and others (2007) 6 SCC 792***. The Learned Counsel would also rely upon the



W.P.No.12819 of 2025

judgment of this Court in W.P.No.19120 of 2018 (*N.Adilakshmi v. State of Tamil*

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Nadu and others). Therefore, he would submit that the Collector ought to have granted the compensation and prays that the impugned order be set aside and the matter be remanded back to the District Collector for consideration of afresh.

4. Mr.D.R.Arun Kumar, Learned Counsel appearing on behalf of the respondents 2 and 3 would submit that the respondents 2 and 3 have an indefeasible right to enter into any land and erect the transmission lines. If at all, the petitioner is aggrieved by the non-payment of the compensation, he has an Appellate remedy under Section 16 (3) of the Telegraph Act 1885. The Learned Counsel would rely upon the judgement of the Hon'ble Supreme Court of India in *Power Grid Corporation of India Limited v. Century Textiles and Industries Limited and others (2017) 5 SCC 143*. The Learned Counsel would also rely upon the judgment of the Division Bench of this Court in *Power Grid Corporation of India Limited v. N.Baskar and others (MANU/TN/5841/2021)*.

5. I have considered the rival submissions that are made and perused the material records of the case.

6. In the instant case, the contention of the petitioner is that there may



W.P.No.12819 of 2025

be an interdepartmental licence. However, when the petitioner having the leasehold

rights of the land, is divested of his leasehold rights, then to that extent the petitioner is entitled for compensation. As a matter of fact, as held by the Hon'ble Supreme Court of India in *Power Grid Corporation* cited supra, the respondents 2 and 3 can enter into the land and erect their towers. But they ought to have disbursed the compensation. According to them, by virtue of getting interdepartmental licence, they need not pay compensation. In this regard, it is essential to extract Section 10 (d) of Telegraph Act, 1885 which reads as follows:

10. Power for telegraph authority to place and maintain telegraph lines and posts.— *The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immovable property:*

(a)....

(b)...

(d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.



W.P.No.12819 of 2025

7. Be that as it may, even if one were to agree with the Learned

WEB COPY Counsel for the petitioner, there is no point in repeatedly setting aside the order of the District Collector and remanding the matter back. According to the petitioner, if the petitioner entitled for compensation, there is a provision under Section 16 (3) of the Telegraph Act to file an appeal to the District Court and the District Court concerned will examine the issue whether the rights of the petitioner were violated and if he is dispossessed of a particular extent, what is the quantum of damages etc and pass an award in this regard.

8. Therefore, I am of the view that the remedy of the petitioner is not by way of repeatedly challenging the order that is passed by the District Collector but however, to file an appeal before the District Court. If within three weeks from the date of receipt of the web copy of the order, the petitioner files an appeal and the same shall be treated as within time and the District Court shall take the appeal on file, issue notice to the respondents therein including the respondents 2 and 3 herein and decide the appeal with reference to the compensation in the manner known to law. It is made clear that the findings of the District Collector will not be binding on the District Court and the District Court will consider the question as to the entitlement and also the quantum on its own in accordance with law.



W.P.No.12819 of 2025

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9. With the aforesaid direction, the writ petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

15.04.2025

Neutral citation:No.

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To

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2.The Chairman,
Tamilnadu Transmission Corporation Limited,
TANTRANSCO, No.144 Anna Salai,
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3.The Superintendent Engineer,
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4.The District Magistrate,
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5. The Government Pleader, High Court, Madras.



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W.P.No.12819 of 2025

D.BHARATHA CHAKRAVARTHY,J.

bsm

W.P.No.12819 of 2025

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