



W.P.No.19996 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.19996 of 2025

AND

W.M.P.No.22550 of 2025

R.V.Kamalanathan

.. Petitioner

Vs.

1.The Chairman-cum-Managing Director
Tamil Nadu Electricity Board
144, Anna Salai
Chennai District

2.The Managing Director
The Tamil Nadu Transmission Corporation Ltd.
144, Anna Salai
Chennai District

3.The Superintendent Engineer
General Construction Circle
The Tamil Nadu Transmission Corporation Ltd.
182, Dr.Subbrayan Road
Tadabad, Coimbatore District

4.The Executive Engineer
Transmission Line Construction
The Tamil Nadu Transmission Corporation Ltd.
Perundurai
Erode District

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records of the 3rd respondent proceeding in Ka.No.87/Me.Pa.Po/PoKava/Kovai/USEPo/Po/MuThaVa/Ko Manu/ 2025 dated 06.03.2025 and quash the same as illegal, incompetent and ultra vires.

For Petitioner : Mr.C.Ramaraj
For Respondents : Mr.D.R.Arunkumar
Standing Counsel

ORDER

This writ petition has been filed questioning the communication of the 3rd respondent dated 06.03.2025, wherein the petitioner was informed that the respondents are going to proceed further to modify the existing high voltage electric tower in the subject property.

2. The case of the petitioner is that the subject property was purchased by him through a registered sale deed dated 07.08.2019. The petitioner was in possession and enjoyment of the property. One of the electric towers was erected



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in a portion of the subject property. While so, on 02.01.2025, some unknown persons entered into the property and started to measure the existing electric tower and they informed the petitioner that they are going to expand the electric tower by altering the same and virtually, an attempt was made to occupy the entire property and deprive the petitioner of his property. Hence, the petitioner sent a legal notice dated 04.01.2025, raising objections. On receipt of the same, the impugned communication dated 06.03.2025, came to be issued by the 3rd respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

3. The 3rd respondent has filed a counter affidavit and the relevant portions are extracted hereunder :

"f. I submit that this Respondent is in the process of Strengthening the existing 110KV SC Frode - Pugalur line on SC tower with Dog/Leopard conductor into 110 KV DC line DC towers with Panther conductor in Salem Operation Circle at an estimated cost of Rs.3.252.37 lakhs, sanctioned vide (Per). CH.TANTRANSCO Proceedings No.175, dated 23.11.2015. The scheme was approved by Government of Tamilnadu vide G.O (Ms) No.65, Energy (A1) Department, dated:04.12.2017.

g. This proposal envisages strengthening of the existing 110KV Erode - Pugalur SC line on SC tower with Dog/ Leopard conductor of route length 39.61



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kms into 110 KV DC line on DC towers with Panther conductor. The existing 110 KV SC line is having Dog conductor with a loading capacity of 53 MVA. The life period served by the above line is more than 62 Years. The peak so far reached on the above feeder is 70.49 MVA at Pugalur 230 KVSS end and 62.87 MVA at Erode 110 KV SS and hence the line is getting overloaded.

h. I submit that the existing Dog conductor will not be adequate to cater the future load growth in the 110 KV substations connected in the 110 KV Pugalur Erode feeder. The conductor has become aged and due to the ageing of conductor, further usage of this line will lead to snapping of conductor and thereby causing danger to human and animal lives. Already breakdown are experienced in the recent years due to jumber cuts and snapping of the conductor. Under such condition, the feeder capacity will not be adequate to cater the proposed addition in the above feeder and will be overloaded. Further, the conductor has become brittle due to ageing and needs to be replaced with Panther conductor as per the standardization of conductor. It has been proposed to replace the existing 110KV Erode Pugalur Single circuit line into Double circuit line on DC towers with Panther conductor (i) considering the future load growth and (ii) to avoid breakdowns due to jumber cuts and snapping of conductor due to ageing. The corridor width for both 110 KV SC line and 110 KV DC line are same and fixed as 22 metres as per CEA Regulations.

i. I submit that it was proposed to link the already converted 66 KV line into 110 KV DC line on DC towers at tower Loc. 17 and to run as 110 KV DC line from Loc.17 Loc.1 (Erode 230 KV SS), thus forming 2 circuits, i.e., Erode-Pugalur 110 KV SC line and Erode - Ayyarmalai 110 KV SC line, to cater the future load growth.

j. By virtue of the provisions contained in sub section (2) (a) of section 185 of the Electricity Act, 2003, the Board being the Transmission utility and Licensee will exercise the powers of the Telegraph Authority under the provisions of section 164 of the Electricity Act, 2003 which have already been conferred upon the Board under section 51 of the Indian Electricity Act.

k. I state that in view of the approval in terms of Section 164 of the Electricity Act, 2003, no notice or consent of the owner/occupier of any land is required for erection of towers. I state that though notice or consent is not required to be given still, a public notice was published in New Indian Express



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and Dinakaran on 20.11.2018 calling for objections. I further state that since no objections were received the proposal was published in the Gazette on 16.01.2019.

1. The Government of Tamilnadu vide G.O.Ms.No.65 Energy (A1) department dated 04.12.2017, have permitted the TANTRANSCO as per section 68 and 164 of the Electricity Act, 2003 for executing 108 schemes throughout the State and one of the schemes approved by the Government for erection of 110 KV SC line DC towers with panther conductor and LILO portion to Sivagiri 110 KVSS in the existing 110 KV Erode Pugalur feeder.

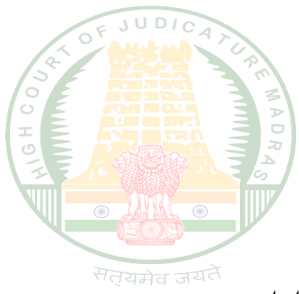
m.I state that by proceedings dated 22.12.2016, the Chief Engineer, TANTRANSCO accorded approval to the route map and by proceedings dated 30.11.2018 the entire work profile was approved by the Chief Engineer. While approving the profile, the Chief Engineer / TANTRANSCO, Chennai -2 had laid the following conditions:

- 1.A minimum ground clearance of 6,10m must be ensured throughout the length of the line.
- 2.A minimum vertical clearance of 2.75m must be ensured between existing LT/HT/P&T lines.
- 3.A minimum required horizontal clearance of 12.20m for trees on either side throughout the line.

n. I submit that the line work from tower Loc. 17 to Ayyarmalai 230 KV SS was completed and line energized. Both 110 KV SC lines meet at Loc.17 and is proposed to run as DC line from Loc. 17 to Loc.1 (Erode 230 KVSS). The present stage is as follows:-

1	Total Distance	4.58 kms
2	Total Distance Covered	-
3	Total number of Towers	17
4	Total number of Tower completed	14
5	Project schedule	06/2025

o. I state that while proceeding with the execution of the work, the Petitioners herein made an objection in erecting the towers in their land.



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p. I reiterate that as stated above, TANTRANSO had secured all statutory approvals under Section 164 and 168 of the Electricity Act, 2003 before initiating of the project.

q. I state that once the project is completed, it would be possible to achieve the uninterrupted power supply, therefore the overwhelming public interest should prevail over individual interest. I further submit that major portion of the project has been completed.”

4. The respondent is now in the process of strengthening the existing 110 KV SC Erode-Pugalur line. In that process, the existing 110 KV SC Erode-Pugalur single circuit line is going to be converted as double circuit line. Hence, steps were taken for erecting towers in the property belonging to the petitioner, after getting necessary statutory approvals under Sections 164 and 168 of the Electricity Act, 2003.

5. The learned Standing Counsel appearing on behalf of the respondents submitted that the petitioner is not entitled for any compensation under Section 10(d) of Indian Telegraph Act, 1885 (in short “the Act”), since what is now being



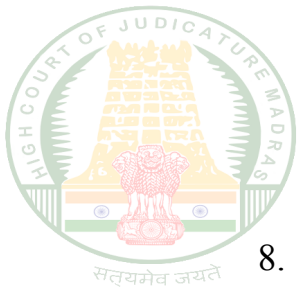
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carried out by the respondents is only a modification of the existing tower that is already available in the property. In other words, only a improvement is being done by the respondents and therefore, the respondents are not liable to pay any compensation.

6. *Per contra*, the learned counsel for the petitioner submitted that the petitioner is now being deprived of the entire property and therefore, if the respondents want to continue with the erection of towers in the entire property, they have to acquire the property and pay adequate compensation to the petitioner. In the absence of the same, it will deprive the petitioner of the constitutional right guaranteed under Article 300A of the Constitution of India.

7. This Court has carefully considered the submissions made on either side and the materials available on record.



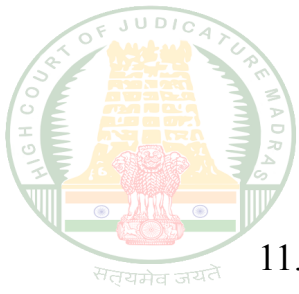
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8. Insofar as restraining the respondents to proceed further with the work, such a course of action cannot be taken, since the work is being carried out after obtaining necessary statutory approvals under Sections 164 and 168 of the Electricity Act. Therefore, the limited issue that is involved in the present writ petition pertains to the acquisition of property and payment of compensation to the petitioner.

9. The respondents have taken a stand that no compensation is payable to the petitioner, since the respondents are only improving upon an already existing tower in a portion of the property.

10. The above stand taken by the respondents is unsustainable. The property which is now going to be utilised for laying towers, will virtually prevent the petitioner from using the property in future. Therefore, wherever there is deprivation of enjoyment of the property, necessarily, compensation amount has to be paid. That is the purport and ambit of Article 300A of the Constitution of India.



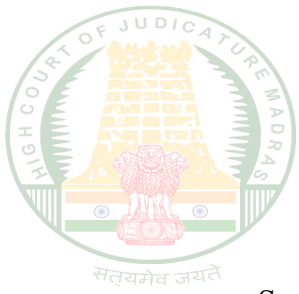
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11. The next question is as to whether the respondents must be directed to pay compensation under Section 10(d) of the Act. The respondents have taken a very clear stand that they are not liable to pay compensation. This means that zero compensation stand taken by the respondents.

12. A Division Bench of this Court had an occasion to deal with the issue of similar nature in *The Power Grid Corporation of India Limited and Others Vs. N.Baskar and Others (W.A.No.380 of 2020 decided on 18.08.2021)*, wherein it was held as follows :

“5. We are concerned with the interpretation of two provisions, namely, Section 10(d) and 16(3). Section 10(d) comes under Part III of the Indian Telegraph Act, which deals with the power of the Telegraphic Authority to place telegraphic line and posts. As rightly submitted by the learned Senior Counsel appearing for the first respondent/writ petitioner, Section 10(d) imposes a responsibility on the telegraph authority to make sure that any property which it deals with is put into a little damage as possible while exercising its power. Therefore, the legislature in its wisdom has widened the scope to include “any property” and, therefore, “any damage”. As the provision is couched with a wider connotation, restrictive meaning is contrary to the object and rationale leading to its interpretation.



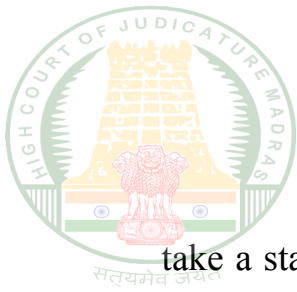
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6. Section 10(d) has to be read in conjunction with Section 16(3). Section 16(3) speaks of “any dispute”. Therefore, one has to concern with the disputes between the owner and the telegraphic authority. We cannot define the dispute in a restrictive way. Such definition is not meant to be introduced under Section 16(3) and that is the reason why it clearly says that any dispute between the parties while exercising the power by the telegraphic authority under Section 10(d). Therefore, Section 10(d) imposes an element of responsibility to the telegraphic authority asking it to exercise caution and restraint with respect to a possible damage to any property, any dispute in the exercise of such a power would be amenable to Section 16(3). The word 'sufficiency of compensation' has also to be given a wider interpretation. When we speak about the sufficiency of compensation it will also include the case of no-compensation as well. Otherwise not only Section 10(d) but Section 16 would become redundant and otiose. There is no difficulty in understanding the aforesaid provision in Section 16(3), which confers the power on the District Court to adjudicate upon any dispute between the telegraphic authority on the one hand and the owner on the other hand.

7. In such view of the matter, we are inclined to permit the first respondent/writ petitioner to approach the District Court within a period of eight weeks from the date of receipt of a copy of this judgment by invoking Section 16(3) by making an application. On such application, we expect the jurisdictional District Court to decide all the issues on the question of sufficiency of the compensation provided the writ petitioner would be able to show the damage.”

13. The Division Bench dealt with the scope of Sections 10(d) and 16(3) of the Act. The Division Bench came to a conclusion that even where the respondents



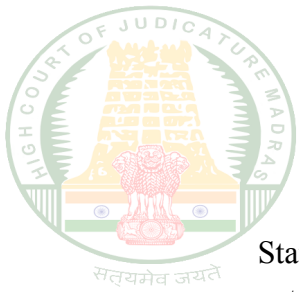
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take a stand that they are not liable to pay compensation, it must be deemed to be zero compensation and consequently, the land owner will be entitled to go before the District Court under Section 16 of the Act. Accordingly, the Division Bench permitted the writ petitioner to approach the District Court within a time frame and invoke Section 16(3) of the Act by making an application. This Court must also take into consideration the judgment passed by a Division Bench in ***Ponnusamy and Others Vs. The Union of India and Others (W.A.No.1178 of 2021 decided on 19.04.2021)***, wherein it was held that the District Collector cannot go into the question of compensation and decide the same.

14. It is also relevant to take note of the judgment of the Apex Court in ***Power Grid Corporation of India Limited Vs. Century Textiles and Industries Limited and Others [(2017) 5 SCC 143]*** and the relevant paragraphs are extracted hereunder :

“27. At this stage, we deal with the direction of the Division Bench regarding compensation payable to the writ petitioner, or for that matter to the



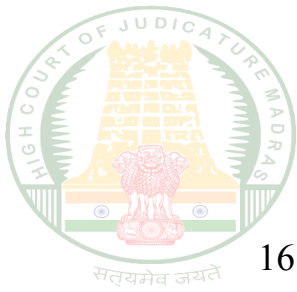
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State Government. In the first instance, no such claim was laid by the writ petitioner in the writ petition or by the State Government before the High Court. Furthermore, the High Court could not have given this task to the District Collector, which is contrary to the provisions of Section 16(c) of the Telegraph Act, 1885 which are extended to laying down of electricity lines. As per this provision, such an authority vests with the District Judge.

28. These are sufficient reasons to allow Civil Appeal No. 10951 of 2016 preferred by the Power Grid by setting aside those directions. Ordered accordingly. We make it clear that if the writ petitioner feels that it is entitled to any compensation, the appropriate course of action is to file a suit before the District Judge concerned for this purpose. It would also be apt to point out at this stage that the Central Government has framed guidelines dated 15-10-2015 in this behalf which inter alia provide that the issue of compensation may be resolved having regard to the mode and manner of assessment of compensation as per the said guidelines. Therefore, it would always be open to the writ petitioner to avail the remedy as per the said guidelines.”

15. On a combined reading of all the above judgments, it comes to light that the land owner cannot be deprived of compensation and if a lesser compensation is paid or no compensation is paid, it is always left open to the land owner to approach the District Court under Section 16 of the Act and claim for the compensation.



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16. In the light of the above discussion, this Court holds that the petitioner has a right to claim compensation and there shall be a direction to the petitioner to approach the jurisdictional District Court within a period of four weeks from the date of receipt of a copy of this order and submit an application invoking Section 16(3) of the Act. On such application being filed, the jurisdictional District Court shall decide all the issues on the question of sufficiency of the compensation provided to the petitioner and take a decision preferably within a period of six months from the date of filing of the application.

This writ petition is disposed of in the above terms. No costs. Connected W.M.P. is closed.

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N. ANAND VENKATESH, J.

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To

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