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W.A.No.2539 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.2539 of 2025

K. Subramani .. Appellant

Vs.

1. The District Collector
Tiruppur District, Tiruppur.
2. The Revenue Divisional Officer
Dharapuram Revenue Division
Tiruppur District.
3. The Tahsildar
Dharapuram Taluk, Tiruppur District.
4. The Superintendent of Police
Office of the Superintendent of Police
Tiruppur District.
5. M/s. TP Vardhaman Surya Limited
Rep. by its General Manager
C/o. The Tata Power Company Ltd.
34, Sant Tukaram Road Carnac Bundar
Mumbai – 400 009.

.. Respondents

Prayer: Appeal filed under Section 5 of the Limitation Act, against the order made in W.P.No.26473 of 2025 dated 21.07.2025.

For the Appellant : Mr.Praveen Raj N

For the Respondents : Ms.M.Jayanthi
Additional Government Pleader
for R1 to R4



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Mr.Satish Parasaran
Senior Counsel
for Mr.Shri Venkatesh
for R5

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 21.07.2025 made in W.P.No.26473 of 2025.

2. The appellant was the writ petitioner. He had challenged the order passed by the first respondent, that is the District Magistrate in Na.Ka.No.7500/2024/E5 dated 31.12.2024. This relates to the permission granted to the fifth respondent, namely *M/s.TP Vardhaman Surya Limited*, for laying HT Lines.

3. In fact, the said permission granted under Section 16 of the Indian Telegraph Act, 1885¹ and under Section 164 of the Electricity Act, 2003², had been challenged in the earlier round of litigation in W.P.Nos.2233, 2673, 3202 and 4084 of 2025, which were disposed by another learned Judge or Writ Court by the common order dated 17.03.2025, whereby, the orders passed by the Authorities concerned under Section 164 of the Act of 2003 were quashed.

¹ For brevity, hereinafter referred to as “the Act of 1885”

² For brevity, hereinafter referred to as “the Act of 2003”



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4. The learned Judge, therefore, directed that, if necessity arises, they shall apply the name of Tata Power Renewable Energy Limited to the District Collector, Thiruppur, under Section 16 of the Act of 1885 and when such application is made, the same shall be disposed of as indicated in the order itself. Quoting this order, already passed by the Writ Court in W.P.No.2233 of 2025 and etc. batch dated 17.03.2025, the learned Judge dismissed the present writ petition by the impugned order dated 21.07.2025.

5. Aggrieved over the said order passed by the Writ Court, the present appeal has been directed.

6. Assailing the order impugned, *Mr.Praveen Raj N*, the learned counsel appearing for the appellant, claims to be one of the owners of the land in question where the HT Lines are to be erected by the fifth respondent and he is entitled for making such objections or at least entitled for the compensation payable to him. In order to get such relief, he had no other option except to seek relief only under Article 226 of the Constitution of India by filing the writ petition, challenging the order of the first respondent/District Magistrate, dated 31.12.2024, which has been dismissed without



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considering the same in proper perspective by the learned Writ Court, is the grievance of him, since he has been triggered to challenge the said order of the Writ Court.

7.1. However, *Mr.Satish Parasaran*, learned Senior Counsel appearing for the fifth respondent would contend that, insofar as the order passed under the Act of 2003 having been quashed by the order of the Writ court dated 17.03.2025, as of now, the appellant has to approach only the District Magistrate under the Rules called the Works of Licensees Rules, 2006³.

7.2. Under the said Rules of 2006, exhaustive procedure has been contemplated, by which, it is provided how the occupier or the owner of the land could adjudicate the issue and how it should be sorted out by the District Magistrate, who is empowered under the Rules of 2006 to resolve such issues.

7.3. That apart, the learned Senior Counsel would submit that, insofar as the land in question, where the appellant claims to be the owner of a part of the property or co-owner of the property, is concerned, already compensation has been paid to the occupier to the extent of Rs.3 lakhs and therefore, as far as the present

³ In short, "the Rules of 2006"



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appellant is concerned, he is not entitled to get any more compensation, apart from the share that he could collect from the occupier of the land to whom the amount has already been settled.

8. We have considered the said rival submissions made by the respective learned counsel appearing for the appellant and the fifth respondent and also *Ms.M.Jayanthi*, learned Additional Government Pleader for respondents 1 to 4 and have perused the materials placed before this Court.

9. Once the order passed under the provisions of the Act of 2003 having been considered and quashed by the Writ Court in the earlier round of litigation by the order dated 17.03.2025, the very same order cannot be questioned by the present appellant in the second round of litigation, that is the instant writ petition, as against which only the present writ appeal has been filed. Therefore, the said approach of the learned Writ Court in dismissing the writ petition cannot be found fault with.

10. But, at the same time, insofar as the plea that has been raised by the appellant to agitate the issue in the manner known to law before the District Magistrate is concerned, such a mechanism

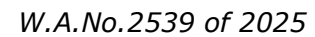


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has been provided under the Rules of 2006, especially the procedure has been contemplated under Rule 3, under which, the representation or objections made by the occupier or owner of the land has to be considered and decided by the District Collector, that is the District Magistrate, or the Commissioner of Police or the Officer so authorized, as the case may be, and while deciding the same, the Officer concerned shall fix, after considering the representation of the concerned person, if any amount of compensation or annual rent, or of both, should be paid by the licensee to the owner or occupier.

11. Therefore, under the provisions of Rule 3 of the Rules of 2006, the appellant has got an effective alternate grievance redressal mechanism, under which, he can approach the District Magistrate by making a representation in detail and if such course of action is taken by him, that has to be decided and disposed of by the District Magistrate only in the manner which has been contemplated under the Rules of 2006 and not otherwise.

12. When that being so, the present writ appeal may be an unwarranted exercise of the appellant and therefore, we are not inclined to accept the plea made by the appellant in interfering with



Therefore, this writ appeal is disposed of with the following orders:-

(ii) The appellant shall move the District Magistrate within a period of four weeks from the date of receipt of a copy of this order by making a representation and once such a representation is



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filed, the same shall be disposed of by the District Magistrate within a period of four weeks thereafter. It is needless to mention that the opportunity of being heard shall be given to both parties.

13. With these observations and further directions, the present writ appeal is disposed of. There shall be no order as to costs. Consequently, C.M.P.No.20191 of 2025 is closed.

(R.S.K., J.) (H.C., J.)
01.09.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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To:

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R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.

(drm)

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