



WA No. 3334 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-04-2025**

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CORAM

**THE HONOURABLE MR. JUSTICE S. M. SUBRAMANIAM  
AND  
THE HONOURABLE MR. JUSTICE K. RAJASEKAR**

**WA No. 3334 of 2024  
AND  
CMP NO. 25877 OF 2024**

1. Superintending Engineer  
GCC-1, A10, Thiru.Vi.Ka. Industrial  
Estate, Guindy, Chennai 32.

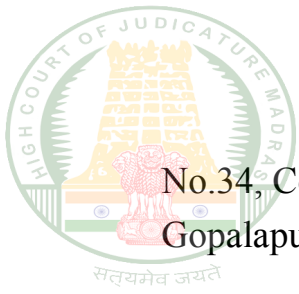
2. The Chairman  
Tamil Nadu Transmission Corporation  
Ltd., (TANTRANSCO), 144, Anna  
Salai, Chennai 2.

Appellant(s)

Vs

1. Shishir Goenka  
S/o. Besant Kumar Goenka, 2nd Floor,  
Ganapathy Apartments, No.34, Conron  
Simth Road, Gopalapuram, Chennai  
86.Guindy 230 kV GIS SS campus,  
Thiru.Vi.Ka. Industrial Estate, Guindy,  
Chennai 600 032.

2. Anita Goenka  
2nd Floor, Ganapathy Apartments,



No.34, Conron Simth Road,  
Gopalapuram, Chennai 86.

Respondent(s)

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**CMP No. 25877 of 2024**

1. Superintending Engineer  
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Appellant(s)

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1. Shishir Goenka  
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Ganapathy Apartments, No.34, Conron  
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2.Anita Goenka  
2nd Floor, Ganapathy Apartments,  
No.34, Conron Simth Road,  
Gopalapuram, Chennai 86.

Respondent(s)

**WA No. 3334 of 2024**

**PRAYER**

To set aside the Impugned Order dated 04.10.2024 made in WP No.23306 of 2023 by allowing this Writ Appeal.

**CMP No. 25877 of 2024**

**PRAYER**

To grant an order of Interim stay of all further proceedings of the Order dated 04.10.2024 made in WP No.23306 of 2023 pending disposal of the Writ Appeal.



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WA No. 3334 of 2024



For Appellant(s): Mr.P.S.Raman, Advocate General  
Assisted by  
Mr.Arun Kumar D.R

For Respondent(s): Mr.S.Rajesh Ramanathan  
For RR 1 and 2

### **ORDER**

**(Order of the Court was made by S.M.Subramaniam J.)**

Under assail is the writ order dated 04.10.2024 passed in WP No.23306 of 2023.

2. The respondents in the writ proceedings are the appellants before this Court. The respondents herein filed a writ of Mandamus to direct the appellants herein to settle the admitted compensation amount as determined by the District Collector in proceedings dated 15.07.2022.

3. Admittedly, high transmission line has been commissioned in the lands belonging to the respondents herein. Therefore, the respondents are entitled for compensation to be determined by the District Collector at the first instance and if aggrieved, may approach the District Court seeking enhancement of



compensation or to pay just compensation under the provisions of the Telegraph

Act.

4. Mr.P.S.Raman, learned Advocate General appearing on behalf of the appellants would mainly contend that the District Collector erroneously determined the compensation by applying the benefit of G.O.Ms.No.63, Energy (A1) Department, dated 22.11.2017 with retrospective effect. When the Government Order specifically stipulates that the benefit will be extended prospectively, the District Collector has considered the case of the respondents as a special case. The District Collector has no power to grant compensation beyond the scheme formulated by the Government by stating as a special case. In such an event, it will set a wrong precedent and many such similarly placed person will also claim compensation from retrospective effect based on the Government Order issued in G.O.Ms.No.63, dated 22.11.2017.

5. Mr.S.Rajesh Ramanathan, learned counsel appearing on behalf of the respondents would oppose by stating that the compensation has been rightly determined by the District Collector and in view of the fact that the enter upon



permission for the subject lands were given by the District Collector, Tiruvallur

on 26.05.2017 and the Government Order was issued on 22.11.2017, the

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District Collector taught fit and granted compensation as a special case and

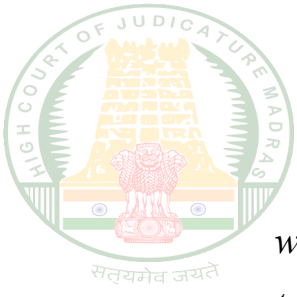
thus, no further interference is called for.

6. Considered the arguments made on behalf of the respective parties to the *lis* on hand.

7. It is not in dispute that the benefit of G.O.Ms.No.63, dated 22.11.2017 is to be granted with prospective effect. The said Government Order reads as under:

*“4.The Government after careful examination of the proposal of Chairman, TANTRANSO have decided to accept the same. Accordingly, the Government Order the adoption of Government of India, Ministry of power guidelines for payment of compensation towards damages in regard to Right of Way for transmission lines covering 110kv & 230 kv lines and above as below, subject to the condition that it will be applicable only to new projects with prospective effect.*

*a)Compensation @ 85% of land value as determined by District Magistrate or any other authority based on Circle rate/Guideline Value/ Stamp Act rates for tower base are (between for legs)*

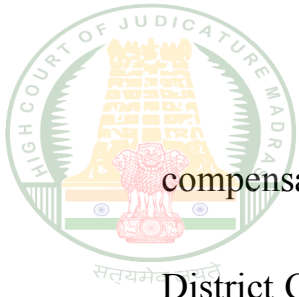


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*b) Compensation towards diminution of land value in the width of Right of Way (Row) corridor due to laying of transmission line, subject to maximum of 15% of land value as determined based on Circle Rate/Guideline Value/Stamp Act Rates.”*

8. Even as per the District Collector, enter upon permission for the suit lands was given by the District Collector on 26.05.2017. But the Government Order was passed in G.O.Ms.No.63 dated 22.11.2017 after grant of enter upon permission by the District Collector. Therefore, the Government Order issued in G.O.Ms.No.63 cannot be applied to the case of the respondents for grant of compensation. The compensation as admissible prior to the issuance of G.O.Ms.No.63 is to be settled in favour of the respondents. However, the respondents have already filed O.P.No.17 of 2023 and O.P.No.9 of 2023 on the file of the learned District Judge, Tiruvallur, which is pending. In the Original Petitions, the respondents are at liberty to seek enhancement of compensation or otherwise as admissible or based on the facts as the case may be.

9. Pertinently, the order passed by the District Collector fixing



compensation under the Telegraph Act is appealable before the jurisdictional

District Court. Thus, the writ Court need not entertain a writ petition against an

order of the District Collector. In the present case, the respondents have rightly

approached and the Original Petitions are pending. Leaving open all the issues

for adjudication by the learned District Judge, Tiruvallur in the pending O.Ps the

present writ appeal is to be considered. Consequently, the writ order impugned

dated 04.10.2024 passed in W.P.No.23306 of 2023 is set aside and the Writ

Appeal is allowed. The learned District Judge, Tiruvallur is requested to dispose

of the O.P.No.9 of 2023 and O.P.No.17 of 2023 as expeditiously as possible.

**(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)**

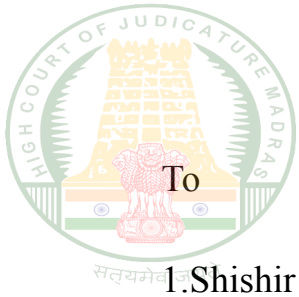
**23-04-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WA No. 3334 of 2024



To

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**S.M.SUBRAMANIAM J.  
AND  
K.RAJASEKAR J.**

**ssi**

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