



W.P. No.35204 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.10.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.35204 of 2022
and
W.M.P. No.34674 of 2022

M.V.Ramamoorthy

Petitioner

Vs

1. The Government of India,
Rep. by its Secretary,
Ministry of Power,
Shram Shakti Bhawan,
Rafi Marg, New Delhi 110 001.

2.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Energy (A1) Department,
Secretariat, Chennai 600 009.

3.Tamil Nadu Transmission
Corporation Ltd.,
(TAN TRANSCO),
Rep. by its Chairman,
10th Floor, NPKRP Maligai,
No.144, Anna Salai,
Chennai 600 002.

4.The Executive Engineer,
Transmission Line Construction,
Dharmapuri - 636 705.

5.The District Collector,
Vellore District, Vellore.



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6. The District Revenue Officer,
Vellore District, Vellore.

Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for records and quash the proceedings of the 5th respondent in M.M.D1/6229 /2021 dated 01.12.2021 and consequently directing the 5th respondent to determine the compensation payable to the petitioner for the damage caused on account of erection of High Power Electric Tower and Lines in his agricultural land bearing S.No.925 situate at Pasumathur village, Gudiyatham Taluk, Vellore District as per the Guidelines dated 15.10.2015 of the 1st respondent.

For petitioner	: Mr.R. Dhanasekar
For respondents	: Mr.ARL. Sundaresan
	Addl. Solicitor General
	Assisted by
	Dr. D. Simon, CGSC for R1
	Mr.P. Ganesan
	Addl. Govt. Pleader for RR2, 5 and 6
	Mr.D.R. Arunkumar
	for R3 and R4

ORDER

This writ petition has been filed to call for records and quash the proceedings of the 5th respondent in M.M.D1/6229 /2021 dated 01.12.2021 and consequently directing the 5th respondent to determine the compensation payable to the petitioner for the damage caused on account of erection of High Power Electric Tower and Lines in his agricultural land bearing S.No.925



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situate at Pasumathur village, Gudiyatham Taluk, Vellore District as per the Guidelines dated 15.10.2015 of the 1st respondent.

2. The petitioner is the owner of agricultural punja lands measuring a total extent of Ac.3.84 comprised in S.No.909/3A and S.No.925, situated at Pasumathur Village, Gudiyatham Taluk, Vellore District. In the year 2014, the 3rd respondent, laid a high-power electric transmission line through the petitioner's lands. Aggrieved thereby, initially, the petitioner approached this Court in W.P. No.9674 of 2014, which came to be disposed of by order dated 23.06.2014, directing consideration of the petitioner's representation and subsequently several litigations arose. Later due to non-consideration, he further submitted a representation dated 08.09.2015 seeking compensation. While so, the 4th respondent, by order dated 26.09.2015, rejected the petitioner's claim for compensation, holding that the provisions of Act 30 of 2013 were not applicable and that under the Indian Telegraph Act, 1885, the petitioner was not entitled to compensation for utilisation of land. Subsequently, the said rejection was put to challenge by filing another writ petition viz., W.P. No.20757 of 2017, which was disposed of by this Court on 26.03.2021, with liberty to the petitioner to approach the competent authority. Thereafter, the petitioner made a representation dated 14.08.2021 to the 5th respondent. However, the 5th respondent, by the impugned order dated 01.12.2021, once



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again rejected the claim for compensation on the ground that the project was implemented prior to the issuance of the guidelines dated 15.10.2015.

3. Learned counsel for the petitioner submitted that the 3rd respondent, without following the procedure contemplated under law, laid a high-power electric transmission line through the petitioner's lands, thereby caused severe hindrance and it affected the petitioner's right to enjoy and cultivate the property. Pursuant to directions issued by this Court, earlier, the 4th respondent considered the representation, however, the grievances of the petitioner was negatived by the 4th respondent, which resulted in passing the rejection order dated 26.09.2015. He vehemently contended that the rejection order, holding that the petitioner was not entitled to compensation under the Indian Telegraph Act, 1885 and that Act 30 of 2013 was not applicable and thus the same is an erroneous one. Though the said rejection order was challenged before the 5th respondent, the 5th respondent vide order dated 01.12.2021 once again rejected the petitioner's claim for compensation on the ground that the transmission project was implemented prior to the guidelines dated 15.10.2015. Aggrieved by the same, this writ petition has been filed seeking quashment of the order dated 01.12.2021 issued by the 5th respondent as well as sought payment of compensation.



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4. Learned counsel appearing for the respondents 2, 5 and 6 reiterated the averments of the counter affidavit and submitted that as per G.O.(Ms) No.63, Energy (A1) Department, dated 22.11.2017, TANTRANSCO has adopted the Ministry of Power Guidelines for payment of land compensation only in respect of new projects with prospective effect. He further submitted that the entire process of check survey, tower marking, foundation work and tower erection in respect of the petitioner's lands was completed as early as on 11.05.2015 and therefore, the petitioner is not entitled to compensation under the said guidelines. Accordingly, the 5th respondent, issued the impugned order dated 01.12.2021 holding the petitioner not eligible for land compensation in respect of Survey Nos.909/3A and 925 belonging to the petitioner, wherein the high tension lines passes through.

5. This Court heard the rival submissions and perused the records.

6. It is not in dispute that the high tension transmission line was laid invoking the powers under the Indian Telegraph Act, 1885. The issue as to the forum and manner of claiming compensation in such cases is no longer res integra. A Division Bench of this Court in W.A.No.380 of 2020 has followed the judgment of the Hon'ble Supreme Court reported in 2017 (5) SCC 143 in the case of Powergrid Corporation of India Ltd. v. Century Textiles and Industries Ltd.), wherein it has been categorically held that disputes relating to



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compensation arising out of exercise of powers under the Telegraph Act have to be adjudicated only in the manner contemplated under Clause 16 of the Indian Telegraph Act, 1885, before the jurisdictional District Judge. In view of the settled legal position, this Court is not inclined to interfere with the impugned order dated 01.12.2021 passed by the 5th respondent.

7. With the aforesaid observations, this writ petition stands disposed of. However, liberty is granted to the petitioner to work out his remedy by making an appropriate claim for compensation before the competent jurisdictional District Judge under Clause 16(3) of the Indian Telegraph Act, 1885, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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M. DHANDAPANI, J.

vsi2

To

1. The Secretary,
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