



W.P.(MD) No.22457 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.22457 of 2025

S.Palpandi

... Petitioner

/vs./

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

3.The Executive Engineer,
TANGEDCO,
Paralachi,
Virudhunagar District.

4.The Assistant Engineer,
TANGEDCO,
Paralachi,
Virudhunagar District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the Respondents from putting up temporary, permanent structure or erecting any high tension electric tower or poles in the petitioner's agricultural land in S.No. 334/1 in patta No.1452 measuring in an extent of 4 hectares and 25.5 Ares situated at Paralachi Village, Aruppukottai Taluk, Virudhunagar District.

For Petitioner	: Ms.A.Dharani
For R1 & R2	: Mr.K.R.Badurus Zaman Government Advocate
For R3 & R4	: Mr.S.Deenadhayalan standing counsel
For proposed party	: Mr.M.Mahaboob Fazil for Ms.Poorana

ORDER

This writ petition is disposed of after hearing the learned counsel for the petitioner, learned Government Advocate for the respondents 1 and 2, learned standing counsel for the respondents 3 and 4 and Mr.M.Mahaboob Fazil for



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Ms.Poorana, who intervenes on behalf of a beneficiary under the Kalaigharin All Village Integrated Agricultural Development Programme (KAVIADP) for giving power connection.

2.According to the petitioner, the respondents 3 and 4 are erecting electric poles on the petitioner's agricultural land measuring an extent of 25 acres.

3.The learned counsel for the petitioner submits that the petitioner has given a representation, dated 09.08.2025, which has not evoked any positive response from the respondents.

4.On the other hand, Mr.Mahaboob Fazil, learned counsel for the beneficiary would submit that the issue is no longer *res integra*. It is covered by a decision of the Hon'ble Supreme Court in ***Power Grid Corporation of India Vs. Century Textiles and Industries Limited and Others*** reported in (2017) 5 ***Supreme Court Cases 143***, wherein in para 22 to 24 and 28, the Court has held as under:-



22. Powers of the Telegraph Authority conferred by [Sections 10, 15 and 16](#) of the Indian Telegraph Act, 1885, stand vested in and are enjoyed by the Power Grid. These provisions are reproduced below:

“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:

Provided that—

(a) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the Central Government, or to be so established or maintained;

(b) the Central Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post; and

(c) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and

(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.”
xx xx xx

“15. Disputes between telegraph authority and local authority.— (1) If any dispute arises between the telegraph authority and a local authority in consequence of the local authority refusing the permission referred to in [section 10](#), clause (c), or prescribing any condition under [section 12](#), or in consequence of the telegraph authority omitting to comply with a requisition made under [section 13](#), or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determined by such officer as the 1[Central Government] may appoint either generally or specially in this behalf.

(2) An appeal from the determination of the officer so appointed shall lie to the Central Government; and the order of the Central Government shall be final.”

16. Exercise of powers conferred by [section 10](#), and disputes as to compensation, in case of property other than that of a local authority.— (1) If the exercise of the powers mentioned in [section 10](#) in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.

(2) If, after the making of an order under sub-section (1), any person resists the exercise of those powers, or, having control over the property, does not give all facilities for their being exercised, he shall be deemed to have committed an offence under [section 188](#) of the Indian Penal Code, 1860 (45 of 1860).



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(3) If any dispute arises concerning the sufficiency of the compensation to be paid under [section 10](#), clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him. (4) If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it, the telegraph authority may pay into the court of the District Judge such amount as he deems sufficient or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (3), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.

(5) Every determination of a dispute by a District Judge under sub-section (3), or sub-section (4) shall be final:

Provided that nothing in this sub-section shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the telegraph authority, from the person who has received the same...

23) [Section 10](#) of the Indian Telegraph Act, 1885 empowers the Telegraph Authority to place and maintain a telegraph line under, over, along or across and posts in or upon any immovable property. The provision of [Section 10\(b\)](#) of the Indian Telegraph Act, 1885 makes it abundantly clear that while acquiring the power to lay down telegraph lines, the Central Government does not acquire any right other than that of user in the property. Further, [Section 10\(d\)](#) of the Indian Telegraph Act, 1885 obliges the Telegraph Authority to ensure that it causes as little damage as possible and that the Telegraph Authority shall also be obliged to



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pay full compensation to all person interested for any damage sustained by them by reason of the exercise of those powers.

24) As Power Grid is given the powers of Telegraph Authority, Rule 3(1) of the Rules, 2006 ceases to apply in the case of Power Grid by virtue of execution clause contained in sub-rule (4) of Rule 3 which reads as under:

“3(4). - Nothing contained in this rule shall effect the powers conferred upon any licensee under [Section 164](#) of the Act.”

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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 concerned District Judge for this purpose. It would also be apt to point out at this stage that the Central Government has framed guidelines dated October 15, 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.”

5.The petitioner's representation, dated 09.08.2025, deserves attention in the hands of the respondents 3 and 4.



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6. Under these circumstances, there shall be a direction to the respondents 3 and 4 to consider the aforesaid representation of the petitioner, dated 09.08.2025, in the light of the decision of the Hon'ble Supreme Court in ***Power Grid Corporation of India Vs. Century Textiles and Industries Limited and Others*** reported in ***(2017) 5 Supreme Court Cases 143*** and pass appropriate orders on merits.

7. Needless to state, all the parties, who are likely to be adversely impacted by the decision to be taken by the respondents 3 and 4, shall be heard before final orders are passed.

8. Since the representation was given only to the first respondent, the petitioner is directed to serve a copy of the same with the respondents 3 and 4 along with a copy of this order.

9. The entire exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.



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WEB COPY No costs.

Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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