



W.P(MD)No.27318 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27318 of 2025

and

W.M.P(MD)Nos.21220 & 21851 of 2025

N.Jagathieshan

... Petitioner

Vs.

1.The District Collector,
7A, PSP Nagar,
Korampallam,
Thoothukudi – 628 101.

2.The Chairman cum Managing Director,
Kudankulam ISTS Transmission Limited,
Tirunelveli CAO,
400/230KV Tirunelveli Substation,
Abishegapatti – Village,
Vellankulam (Post),
Tirunelveli – 627 012.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records and quash the proceedings of the Second respondent in Notice. No.217 and 218 DATED 22.09.2025 and Survey No.292/3 and 310/2A as being null and void and consequently seeking appropriate directions



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against the First respondent to reinstate “400KV D/c (QUAD) Kudankulam Nuclear Power Project 3 and 4 Tuticorin GIS Transmission Line, PKG TL01” in the alternate non- Agriculture area.

For Petitioner : Mr.V.Balasubramanian

For Respondents : Mr.S.Kameshwaran
Government Advocate
for R.1

Mr.S.Karthick Ram Kumar
for R.2

ORDER

Heard both sides.

2.The writ petitioner is the title holder of the petition mentioned land. The second respondent herein intends to install two towers in the said land and draw High Tension overhead lines. This is resisted by the writ petitioner.

3.It is seen that the second respondent has already obtained prior approval from the Government of India under Section 68(1) read with Section 164 of the Electricity Act, 2003. As rightly pointed out by the learned counsel for the second respondent, the prior consent of the land



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owner is not required (*vide Power Grid Corporation of India Limited Vs Century Textiles and Industries Limited & Others (2017) 5 SCC 143*).

However, without paying compensation to the affected land owner, the second respondent cannot assert rights over the land. If the land owner physically resists, the second respondent cannot proceed against the petitioner on its own authority. In the very nature of things, protection order from the jurisdictional District Magistrate would be required. When the District Magistrate passes order under Section 16(1) of the Act, he has to adopt an equitable approach. Without putting the contractor on terms, such permission cannot be granted. This would require a rapid assessment of the land value and the extent of injury which the land owner would suffers.

4. Though in the *Century Textiles and Industries Limited* case, the Hon'ble Supreme Court of India held that the District Collector cannot be called upon to determine the compensation, the Government of Tamil Nadu vide G.O(Ms)No.86 Energy (A1) Department dated 30.10.2019 had vested the power to determine compensation with the District Magistrate. The said GO reads as follows:



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ABSTRACT

Energy Department - Revised guidelines for payment of compensation towards damages in regard to ROW for Transmission lines 110 KV and 230 KV and above orders - Issued.

ENERGY (AT) DEPARTMENT

G.O. (Ms)No.86

Dated: 30.10.2019
தேய்துறை துறை 2055
திகதி: 30.10.19

தலை:-

1. Government of India, Ministry of Power Guidelines for payment of compensation towards damage in regard to right of way for transmission lines dated 15.10.2018
2. G.O. (Ms) No. 60, Energy (AT) Department dated 22.11.2018
3. Letter (Ms) No. 4184/2015, Energy (AT) Department, dated 10.06.2015
4. Letter No.8769/AT/2018, Energy(AT)Department dated 22.10.2018.
5. From Director, Transmission Projects, TAPM/MS/2018, Order No. 013 Of TPL/CL/OT, L.P. REF: ALL/11669 D.11/1916, dated 03.09.2018.

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ORDER:

In the G.O. dated read above, Government have ordered guidelines for payment of compensation towards damages in regard to Right of way for transmission lines covering 110kv & 230kv lines and above as below, subject to the condition that it will be applicable only to new projects with prospective effect:-

- a) Compensation @ 65% of land value as determined by District Magistrate or any other authority based on Circle rate/Guideline value/ Stamp Act rates for tower base area (between four legs).
- b) Compensation towards duration of land value in the Right of Way (ROW) Consider only to laying of transmission line, subject to a maximum of 10% of land value as determined based on Circle rate/ Guideline value/ Stamp Act rates.



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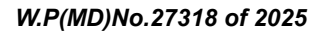
3. In the reference cited above, Government have made orders fixing 1-1/2% on the basis of assessed Fair Market Value for the widening of roads through private acquisition, which will not be necessary litigation for enhanced compensation. In the case of land acquisition, the regulated value of land may be determined as per the Revenue and District Management Department L&O No. 281, dated 07.05.2017, which shall be adopted as the basis of compensation for such Right of Way.

4. In the reference 5th cited above, the Director, Transportation, TAMILNADU has stated that a high level meeting was conducted to discuss the enhancement of Right land compensation and fixation of compensation rate for road widening.

5. Consequently, the Government have decided, in the meeting, the Government issue the following orders:-

- For every road upto the existing width of 25% shall be enhanced to 100% of assessed value and value as per above procedure.
- For widening of road upto the existing width upto 75% the existing provision of 10% shall be enhanced to 15% of assessed land value on per square per cent.
- Rs. 50,000/- fixed as minimum value for road not lower than area of 100 sq. m. If the assessed value is less than Rs. 50,000/-.
- Rs. 10,000/- may be fixed for every additional one sq. m. of per cent. If the lower than area exceeds 2 acres the 10% shall be added in the subsequent every one acre for every road.
- If the 100% assessed value per road area is more than the amount calculated as per point 1) and 2) above, the assessed value may be fixed as per above.

Sl No	Description	Compensation amount payable
01	Tower widening up to 25% including 1 cent.	1. If the assessed value is less than or equal to Rs. 10,000/- per cent, the total compensation amount payable is Rs. 50,000/-.
		2. If the assessed value is more than Rs. 10,000/- per cent, the total compensation amount payable is the assessed value per cent multiplied by 1.5 (one and a half).

Fraction of energy retained by the sand mass

5. This letter also is with the case record of Pharo, Department of LLO.
No. 5299/ITW/2007-8 dated 25.10.2013

BY ORDER OF THE GOVERNOR

DEBORA LUNAR
PRINCIPAL SECRETARY TO GOVERNMENT (PAG)

10.
The Chairman, Taminashi Transmission Corporation (United Channel - 2)
The Chairman (on Managing Director)
Taminashi Generation and Distribution Corporation (United - 2)
A.I. District Collector
Govt.
Joint Secretary (Energy) Ministry of Power, Government of India, New Delhi.
The Chairman and Managing Director, Power Co. Corporation, New Delhi.
The Secy. P.W. to Hon'ble Chief Minister, Chennai - 3.
The Secy. P.W. to Hon'ble Deputy Chief Minister, Chennai - 3.
The Secy. P.W. to Hon'ble Minister for Electricity, P.W. Office and Socialist Chennai - 4.
The Principal, Taminashi Engineering College, Government, Energy Department, Chennai - 8.
The Secy. P.W. to Hon'ble Minister for P.W. & Water Supply / Rural Development & Panchayat Raj /
Education / Revenue & District Administration / Agriculture Department, Chennai - 8.
BSSC

if Γ ordered by order Γ

Section Officer



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The District Collector has to carry out this task on an emergent basis. He cannot remain inactive or delay the process.

5.The learned counsel for the second respondent submitted that as early as on August 2025, the first respondent was called upon to decide the issue.

6.The District Collector is directed to pass an order under Section 16(1) of the Act and also determine the compensation payable to the writ petitioner on or before **27.10.2025**. The second respondent has undertaken before this Court that once the compensation is determined by the District Collector, it shall be remitted in the writ petitioner's bank account as expeditiously as possible. It is always open to the writ petitioner to move the jurisdictional District Court under Section 16(4) of the Act seeking higher compensation. The second respondent shall resume the activities of erecting the towers and drawing OHD lines only after the compensation determined by the District Collector is deposited. The District Collector shall not seek extension of time. He has to strictly abide by the time line stipulated by this Court. A copy of the order



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passed by the District Collector shall be served on the second respondent
on or before **27.10.2025**.

7.This Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

17.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

Note: Issue order copy on 22.10.2025.

To

- 1.The District Collector,
7A, PSP Nagar,
Korampallam,
Thoothukudi – 628 101.
- 2.The Chairman cum Managing Director,
Kudankulam ISTS Transmission Limited,
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