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WP No. 2438 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 2438 of 2026
and WMP Nos.2685 and 2687 of 2026**

1. M. Selvaraj
S/o. Marappagounder,
Kollampulithottam,
E. Varappalayam, Emmampundi,
Nambiyur Taluk, Erode.
2. K. Eswarmoorthy
S/o. Periyakaruppangounder,
Kollampulithottam,
E. Varappalayam, Emmampundi,
Nambiyur Taluk, Erode.
3. S. Venkutuswamy
S/o. Sonniappagounder,
Kollampulithottam,
E. Varappalayam, Emmampundi,
Nambiyur Taluk, Erode.

..Petitioner(s)

Vs

1. The State Represented By.,
Principles Secretary to Government,
Department of Energy,
Fort St. George,
Chennai-600 009.
2. Managing Director,
No.144, TANTRANSCO Building,
Anna Salai,
Chennai-600 002
3. The Chief Engineer (Civil Transmission)
No.144, TANTRANSCO Building,
Anna Salai, Chennai-600 002.



4. The Superintending Engineer /GCC
Pothukattumana Vattam,
TANGEDCO,
Tatabad, Coimbatore -641 012.

5. The District Collector,
Erode -638 011.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2nd Respondent to consider the petitioners objection dated 18.09.2025, consequently to forbear the Respondents No.1 to 4 from erecting High Tension Electricity Tower in the petitioners agricultural land situated in Survey Field No.573 In Patta No.1198 Emmampatti Village, Nambiyur Taluk, Erode District.

For Petitioner(s): Mr.N.U.Pressanna

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

ORDER

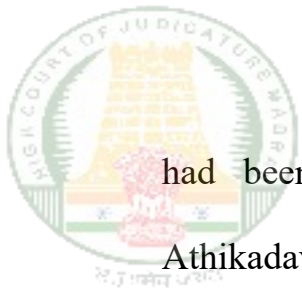
The above writ petition is filed for a mandamus directing the second respondent to consider the petitioners' objections dated 18.09.2025 and consequently to forbear the respondents 1 to 4 from erecting High Tension Electricity Tower in the petitioners' agricultural land situated in Survey Field No.573, in patta No.1198, Emmampatti Village, Nambiyur Taluk, Erode District.



2. The petitioners would submit that the lands in question are their ancestral properties and the petitioners who are brothers are joint owners of the said land and they have been cultivating crops thereon and they have been in continuous possession of the same. Their livelihood is dependant on these lands. In the year 1981, two high tension electric towers were erected in their lands by the respondents' board for carrying 250 KW of power and the cable is passing right in the middle of the land from East to West. This has caused excess hardship to the petitioner for cultivating crops and in carrying out their agricultural activities and since the overhead lines are running through their land, their agricultural activities are restricted.

2.1. While so, without any prior notice, the respondents board officials unauthorisedly entered their lands and started measuring it and when questions were raised, they were informed that such measurements were part of the process of constructing a new 110 KW high tension electricity tower and line once again through their property. The petitioners would submit that the construction of these towers would ring a death knell to their agricultural operations and they would be forced to stop their agricultural activities and if their agricultural activities are stopped, they would be declared as defaulters as they have taken loans from banks to carry on their agricultural operations.

2.2. The petitioners would submit that to add to their hardship, two acres



had been acquired by the Government for the purpose of establishing Athikadavu-Avinashi Water Supply Project and it was only the remaining lands that is in the enjoyment of the petitioners. The petitioners would further submit that as per the original plan, the tower was not intended to pass through their land, but only through the government lands that is adjacent to their property and it is well open to the respondent to stick to the original plan. Further, the respondents board had not followed due process by issuing proper notice prior to approving or commencing the project. If they had issued notice, the petitioner would have submitted their objections. Therefore, the action of the respondents board is arbitrary.

2.3.The petitioners had therefore, made an objection by way of representation dated 13.08.2025 to the second respondent. Till date, there is no response for the same and the respondents are continuing with their work to erect the high tension towers as per the schedule. This prompted the petitioners to sent yet another objection on 18.09.2025 to the fourth respondent. Despite receiving the objections / representation, the fourth respondent did not respond to the same. Therefore, the petitioner is constrained to approach this Court.

3.The fourth respondent has filed a counter affidavit *inter alia* contending that the Government of Tamil Nadu had permitted the fourth respondent as per Section 68 and 164 of the Electricity Act, 2003, for executing 11 schemes



throughout the State and one of the schemes is the erection of 110 KV DC line on DC tower for making LILO of the existing Karuvallur – Nambiyur feeder at Malayampalayam 110/33-11 kV Substation. They would contend that they are the deemed transmission licensee envisaged under Sections 39 and 40 of the Electricity Act, 2003, (hereinafter referred as ‘Act’). The State has also conferred upon the fourth respondent the powers which the telegraph authority possess under the Indian Telegraph Act, 1885, under the Section 164 of the Electricity Act. Section 10 of the Indian Telegraph Act empowers the respondents to place and maintain telegraph lines under, over, along, or across, and posts in or upon, any immovable property and cause as little damage as possible. For exercising this right, the respondent need not acquire any right over the property other than that of use the property for placing the transmission lines or posts or towers.

3.1. The fourth respondent would contend that the tower positions are finalized upon techno-economic consideration and while optimizing the transmission line project, the respondent is bound to take care of the permanent features like roads, power lines, railway lines, communication lines, dwelling units and statutory clearances as per Central Electricity Authority (measures relating to safety and electric supply) Regulations, 2010. These regulations have to be strictly adhered to. The Electricity Board further provides that no injunction shall be granted by any Civil Court or authority in respect of any



action taken in pursuance of any power conferred under the Act.

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3.2.The fourth respondent would submit that under Section 10 of the Act, notice or consent of the owner or occupier is not required for erection of towers. Further, the respondent had issued a public notice in daily newspapers in both the languages namely Tamil and English on 28.03.2025 calling for objections. No objections was received by the respondents. Thereafter, by proceedings dated 02.05.2024, the Chief Engineer, Transmission/TANTRANSCO accorded approval to the line route map. As no acquisition of land has been done and it was only erection of the high tension towers and therefore, approval was granted for the line alignment only the villages through which the line is proposed to be held. Before the implementation of the scheme, a detailed study had been conducted to identify the routes through which the line should be drawn and it is only thereafter, that the public notice had came to be issued.

3.3.The fourth respondent would submit that the EHT line runs in a straight line with the towers spaced at approximately 250 metres. Residential and other buildings, wells, pathways are avoided leaving sufficient clearance to the structures as provided in the Act. The farmers can very well continue their agricultural activities under the line corridor and it is only growing of tall trees gets curtailed. That apart, the lands are not acquired from the owners. With reference to the diminution in land value, the owners are entitled for payment of



compensation.

3.4. The fourth respondent would further submit that the conductors are 8 metres above from the ground level and it will not affect the agricultural activities. The respondent would further submit that the work is underway and some of the towers have been already erected. The respondent would submit that there is no requirement of seeking permission in writing from the District Magistrate as provided in the Works of Licensee Rules, 2006, as the same is excluded under Sub-Rule 4 when approval is conferred under Section 164 of Electricity Act, 2003. Therefore, they would submit that they have right to erect towers and they have not flouted any of the rules and they seek for the dismissal of the writ petition.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The only argument that has been canvassed by the learned counsel for the petitioners is that as per Section 16 of the Indian Telegraph Act, 1885, the respondents 1 and 2 require permission to enter upon the property of the individual for erecting high tension tower or for any further work from the District Collector cum District Magistrate. Such a permission has not been obtained by the respondents herein. He would further submit that earlier the line



has already got across the property and by the present action, the petitioners would lose large tracts of their lands. He would rely upon the judgment of this Court reported in 2012 (1) CTC 504 made in the case of R.Santhana Raj and others vs. The Chief Engineer, Non-Conventional Energy Source, Anna Salai, Chennai and others, wherein, he would rely upon the paragraph 58 (vii), wherein, the learned Judge had observed that the right of the owner or occupier to resist or obstruct any act undertaken under Section 10 is indirectly recognised in Section 16(1), which requires the permission from the District Magistrate.

6. Per contra, the learned Advocate General appearing for the respondents would submit that by reason of Sections 10, 15 and 16 of the Indian Telegraph Act, no prior permission is required and the aggrieved party is permitted to claim compensation under Section 16 of the Indian Telegraph Act. He would rely upon the judgment of the Hon'ble Supreme Court of India reported in (2017) 5 SCC 143 made in the case of Power Grid Corporation of India Limited Vs. Century Textiles and Industries Limited and others and the judgment of the Hon'ble Division Bench of this Court in W.A.No.1178 of 2021 by an order dated 19.04.2021. The learned Attorney General would submit that the route has been fixed only after undertaking a detailed study and the petitioner is entitled to compensation alone.

7. Section 10 of the Indian Telegraph Act, 2003, would read as follows:



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“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 1 [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, 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.”

8. Section 16 of the Indian Telegraph Act, 2003, would read as follows:

“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).

(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”

Therefore, Section 10 of the Indian Telegraph Act, 2003, confers powers on the respondent to place and maintain telegraphic lines and posts, for which, they do not require any prior permission.

9. The Hon'ble Supreme Court in the judgement made in the case of Power Grid, *supra*, had observed as follows:

“21. It is not in dispute that in exercise of powers under the aforesaid provision, the appropriate Government has conferred the powers of telegraph authority vide Notification dated 24.12.2003 exercisable under the Telegraph Act, 1885, upon the Power Grid. It may also be mentioned that a Central transmission utility (CTU) is a deemed licensee under the second proviso to Section 14 of



the Electricity Act, 2003. Power Grid is a Central transmission utility and is, therefore, a deemed licensee under the Electricity Act, 2003. This coupled with the fact that Power Grid is treated as authority under the Telegraph Act, 1885, it acquires all such powers which are vested in a telegraph authority under the provisions of the Telegraph Act, 1885 including power to eliminate any obstruction in the laying down of power transmission lines. As per the provisions of the Telegraph Act, 1885, unobstructed access to lay down telegraph and/or electricity transmission lines in an imperative in the larger public interest. Electrification of villages all over the country and availability of telegraph lines are the most essential requirements for growth and development of any country, economy and the well-being/progress of the citizens. The legislature has not permitted any kind of impediment/obstruction in achieving this objective and through the scheme of the Telegraph Act, 1885, empowering the licensee to lay telegraph lines, applied to the same, as it is, for laying down the electricity transmission lines.”

10. Further, Section 10(b) of the Indian Telegraph Act, 2003, clearly stipulates the Central Government acquires right only to use the property for placing telegraph lines or posts. Further, Section 16 of the Indian Telegraph Act, 2003, provides that in exercising of powers conferred under Section 10 of the Indian Telegraph Act, 2003, if there is any obstructions or resistance, then the District Magistrate, in his discretion, order that the authority shall be permitted to continue their work.

11. The Hon'ble Supreme Court of India had in the case of Power Grid, *supra*, observed as follows:

“23. Section 10 of the 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 Telegraph Act, 1885 makes it abundantly clear that while acquiring the power to lay down the telegraph lines, the Central Government does not acquire any right other than that of user in the property. Further, Section 10(d) of the Telegraph Act, 1885, obliges the telegraph authority to ensure that it causes a little damage as possible and that the telegraph authority shall also be obliged to pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of the powers.”

12.The aforesaid judgment was followed by the Hon’ble Division Bench of this Court in the case of Ponnusamy and Ors. Vs. The Union of India and Ors. wherein, it has observed as follows:

“9. On the scope and applicability of Sections 10 and 16 of the Indian Telegraph Act, the Division Bench of this Court after taking note of the earlier decisions rendered, has held as follows:-

"9. We do not wish to reproduce various judgments on the interpretation of the provisions governing. They have been dealt with in extenso by this Court and the Apex Court in numerous cases. Suffice it to refer to the recent judgment of the Apex Court in Power Grid Corporation (India) Limited Vs. Century Textiles and Industries Limited and Others ((2017) 5 SCC 143), wherein it has been held as under:

“23. Section 10 of the Indian Telegraph Act, 1885 empowers the Telegraph Authority 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 laydown 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 pay full compensation to all person interested for any damage sustained by them by reason of the exercise of those powers.”

Thus, Section 10 of the Act confers powers to the second respondent to place and maintain telegraphic lines and posts. We have no difficulty in holding that there is an adequate authorisation given to the second respondent by the Government of India in exercise of power under Section 164 of The Electricity Act, 2003 by the order dated 24.12.2003.

10. On the scope of Section 16 of the Act visa- vis Section 10, the Division Bench of this Court in (ii)C.Ram Prakash and Another Vs. Power Grid Corporation (India) Limited and Others (2011-4 L.W.924) in which one of us (MMSJ) is a party and author has held as follows:

“22. Scope of Sections 10 and 16 of the Indian Telegraph Act, 1885: The power under Section 10 of the Indian Telegraph Act, 1885 is rather wide and extensive. While exercising the power, it is not necessary for the Respondent No. 1 to put the individuals, who owned the land on notice. Admittedly, he Respondent No. 1 has got power under Sections 10 and 16 of the Indian Telegraph Act, 1885. Such a power has been conferred upon the Respondent No. 1 in public interest. The exercise of the said power by erecting the towers with overhead lines would not amount to an acquisition. It is true that such an action would diminish the value of the property of an individual, but at the same time it cannot be termed as an acquisition. Since Section 16 of the Indian Telegraph Act, 1885 provides mechanism of compensation, the Appellants can have no grievance.

23. Section 16 of the Indian Telegraph Act provides for a mechanism by which the Respondent No. 1 can



approach the second Respondent, if there is an obstruction or resistance. It is not necessary that in each and every case the Respondent No. 1 will have to approach the second Respondent whenever there is an objection. The word objection has got a different connotation than the words resistance or obstruction. A resistance or obstruction would mean preventing the statutory body from carrying out the public duty. Whereas an objection is merely a form of protest. Further, under Section 16 of the Indian Telegraph Act, the Respondent No. 2 has got no power to go into the merits of the case and find out as to whether the alignment proposed is correct or not and there is any possibility of realignment. The prescription of Section 16 of the Indian Telegraph Act is very specific to provide aid to the Respondent No. 1 to perform its statutory duty. Considering the scope of Section 10 of the Indian Telegraph Act vis-a-vis Section 16 of the Indian Telegraph Act, it has been held by the Division Bench of the Delhi High Court in Scindia Potteries v. Purolator India Ltd. MANU/DE/0189/1980 : AIR 1980 Delhi 157 as follows: 9... The exercise of power under Section 10 is not conditional on compliance with the provisions of Section 16(1) of the Act. The power given under Section 10 is absolute. It is only when there is a resistance or obstruction in the exercise of that power that the occasion to approach the District Magistrate arises. If there is no resistance or obstruction, there is no occasion for the telegraph authority to approach the District Magistrate. The alleged oral protest relied upon by the Appellant appears to us to be a made up story. Two telegraph poles were affixed on the Appellants' property in February, 1974. The telephone lines and connections were thereafter given from time to time. Till the landlord-tenant dispute arose between the Appellant and M/S. Purolator India Ltd., no objection was raised by the Appellant. No doubt in April, 1978 the Appellant gave notice to the telegraph authority under Sections 17 and 19A of the Act and may be that the telephone connections in May, 1978 can be treated as the ones objected to but then Sections 17 and 19A have a different purport. The resistance and obstruction envisaged by Section 16(1) of the Act is



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different. This will be clear on a reading of Sub-section (1) of Section 16 of the Act. It is for the purpose of Section 188 I.P.C. that an application is to be given under Section 16(1) of the Act to the District Magistrate. Section 188, I.P.C. makes the disobedience of an order duly promulgated by the public servant an offence. Section 16 is really in aid of the discharge of statutory duty and exercise of statutory power postulated by Section 10. We are in respectful agreement with the ratio laid down therein."

11. Thus, in view of the same, nothing more is to be stated. In fact, we have also called the officer concerned and perused the records. We also permitted the learned counsel for the appellants to do so. The officer has also explained the procedure which we have recorded supra. We do not find any malice in law or fact. The second respondent is carrying out its statutory duty. Now the entire project is over insofar as the appellants are concerned. We may note that two of the writ petitioners also joined the other in filing the writ petitions after receiving compensation, which cannot be appreciated. Similarly, one of the appellants has also received the compensation amount. It is the appellants who approached the first respondent and for the reasons known, they did not appear for hearing. They have asked for numerous documents, which is for the purpose of dragging on the proceedings. Order under Section 16(1) of the Act was passed not only on the request of the appellants but also that of the second respondent. The role available to first respondent is rather limited. It is neither a supervisory nor an adjudicating authority over the second respondent. When the element of expertise is involved and the same is undertaken by the statutory body as per law, the power of judicial review will have to be entertained with extreme caution. We cannot interfere with the matter on some apprehension expressed by the appellants."

10. Thus, nothing more is required to be considered in this regard.

11. The appellants themselves tacitly acknowledged in the



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subsequent representations that they did refuse to receive the notices issued. We have already reiterated the view taken in the earlier round of litigation touching upon the very same project on the question of law involved as upheld by the Apex Court. Therefore, we do not wish to undertake to re-do the said exercise. The question of compensation is the issue, which has to be dealt with separately. The views expressed by the learned Attorney General (as he then was) do not deal with the provisions of the enactment and it is nobody's case that the appellants are not going to get adequate compensation. We find overwhelmingly the public interest involved in giving effect to the project which has already been delayed by the present proceedings. However, we record the submission made on behalf of the learned counsel appearing for the respondents that adequate compensation would be paid within a period of two weeks from the date of completion of work in tune with the impugned order passed."

13. The judgment relied upon by the petitioners is prior to the judgment made in the case of Power Grid, *supra*. Pursuant to the judgment in Power Grid, *supra*, the Tamil Nadu Government had issued G.O(Ms) No.63 dated 22.11.2017, Energy (A1) Department, wherein, it is informed that the Government of India, Ministry of Power has formulated the various guidelines regarding payment of compensation for damages in regard to Right to Way for Transmission Lines as stipulated under Sections 67 and 68 of the Act r/w Sections 10 and 16 of the Telegraph Act, 1885, and that the present land owners were entitled to compensation for damages under the Act. Further, the Government had issued G.O(Ms) No.86 dated 30.10.2019, Energy (A1) Department, through which, the government had issued a list of directions. Therefore, in the light of the judgment made in Power Grid, *supra*, and the aforesaid government orders, the claim of the petitioners cannot be sustained.



Accordingly, this writ petition is dismissed with a liberty to the petitioners to make an application before the District Collector for compensation.

Consequently, connected miscellaneous petitions stand closed. No costs.

24-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssa



P.T.ASHA, J.

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To

1.Principle Secretary to Government,
The State ,Department of Energy,
Fort St. George,
Chennai-600 009.

2.Managing Director,
No.144, TANTRANSCO Building,
Anna Salai,
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