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W.A.No.431 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2026

CORAM

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN

W.A.No.431 of 2026
and C.M.P.No.3953 of 2026

1.The Chief Engineer,
Transmission Projects-I,
Tamil Nadu Transmission Corporation Ltd.,
Chennai - 600 032.

2.The Superintending Engineer,
General Construction Circle-I,
A-10, Thiru-vi-ka Industrial Estate,
Guindy, Chennai - 600 032.

.. Appellants

Vs

1.M/s.Sree Rayalaseema Hi-Strength Hypo Ltd.,
Represented by its Authorised Signatory,
Shri K.Gurumoorthy,
New No.100, Old No.74, 1st Floor,
Greenways Road Extension,
R.A.Puram, Chennai - 600 028.

2.The District Collector-cum-the
District Executive Magistrate,
Chengalpattu District,
Tamil Nadu - 631 501.

.. Respondents

Page 1 of 12



W.A.No.431 of 2026

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order 26.11.2025 passed by the learned Single Judge in W.P.No.5129 of 2024.

For Appellant(s) : Mr.T.Gowthaman
Additional Advocate General
Assisted by Mr.D.R.Arun Kumar

For Respondent(s) : Mr.Hari Radhakrishnan for R1

Mr.Mohammed Fayaz Ali
Government Pleader for R2

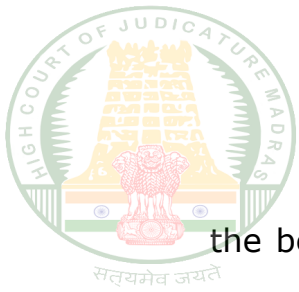
JUDGMENT

(Judgment of the Court was delivered by G.ARUL MURUGAN, J.)

This intra-court appeal is preferred by TANTRANSCO assailing the order of the writ court dated 26.11.2025, whereby the order passed by the second respondent/District Executive Magistrate rejecting the compensation claim of the first respondent was set aside and the appellants were directed to pay compensation as per the guidelines issued in G.O.(Ms)No.86 dated 30.10.2019.

2. Mr.T.Gowthaman, learned Additional Advocate General appearing for the appellants submitted that G.O.(Ms)No.63 Energy (A1) Department dated 22.11.2017 issued by the State, followed by G.O.(Ms)No.86 Energy (A1) Department dated 30.10.2019 extending

Page 2 of 12



W.A.No.431 of 2026

the benefits in respect of the payment of compensation issued by the Government of India, Ministry of Power dated 15.10.2015, would apply only prospectively and the order of the writ court is against the very purport of the Government Order.

3. It is further contended that the owner of the land is only entitled to claim damages under Section 10(d) of the Telegraph Act, 1885, only to the limited extent contemplated under the provision. As the lands were utilised for the project, prior to the issuance of the Government Orders, the first respondent cannot claim compensation based on G.O.(Ms)No.63 dated 22.11.2017 and G.O.(Ms)No.86 dated 30.10.2019.

4. By placing reliance on a decision of the Division Bench of this Court in the case of **Tamil Nadu Transmission Corporation Ltd. and another Vs. P.Asreen Banu and another¹**, the learned Additional Advocate General submitted that the issue is covered, inasmuch as it has been held therein that the benefit of the aforesaid GOs is not available to the landowners whose lands were used for the erection of the power line prior to November 2017.

¹ 2026/MHC/581



W.A.No.431 of 2026

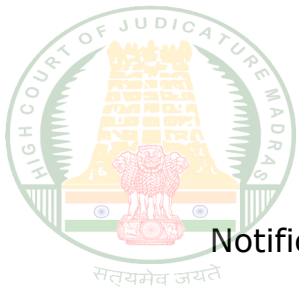
5. Per contra, Mr.Hari Radhakrishnan, learned counsel appearing for the first respondent submitted that when the Government of India had already issued a circular granting compensation for the land, the State, for no reason, had delayed the issuance of the Government Order extending the benefits, issued in the guidelines dated 15.10.2015. Therefore, GO cannot be prospective, but rather has to be applied retrospectively.

6. The learned counsel further submitted that in many of the similar cases the respondents had themselves come forward and undertaken to extend the benefits of the Government of India Guidelines dated 15.10.2015, even for the lands utilised prior to 2017 and ,therefore, the first respondent alone cannot be discriminated.

7. Heard the rival submissions and considered the materials available on record.

8. The first respondent claimed to be the owner of the lands comprised in Survey No.217 of Thiruporur and Survey No.245/2B of Kalavakkam Village, Thiruporur Taluk. The appellants issued

Page 4 of 12



W.A.No.431 of 2026

Notification dated 13.07.2011 for the erection of 110 KV HT power line for Chennai Metro Water and Desalination Plant. The first respondent had earlier filed writ petitions seeking for realignment. However, the lands were ultimately used for completion of the erection of 110 KV HT power line in February 2017, pursuant to the enter upon permission granted by the competent authority.

9. The first respondent had made a claim for compensation for the lands utilised by the appellants for implementation of 110 KV HT power line. The claim was considered by the second respondent/District Executive Magistrate and by order dated 18.11.2023, the first respondent's claim was rejected on the ground that since the lands had been utilised and the work of erecting the Extra High Tension (EHT) supply was completed prior to issuance of G.O.(Ms)No.63 dated 22.11.2017, the payment of compensation under the GO cannot be granted, as the GO could be applied for payment of compensation only for the land utilised subsequent to the issuance of the GO.



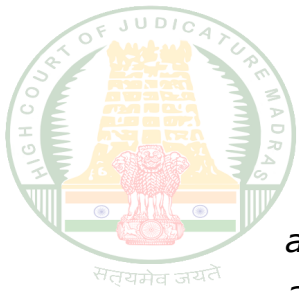
W.A.No.431 of 2026

10. The writ court, by placing reliance on two similar orders passed in W.P.No.32820 of 2017 and W.P.No.23874 of 2013, set aside the orders passed by the second respondent and remanded the matter, directing the first respondent therein to pay compensation as per guidelines issued in G.O.(Ms)No.86 dated 30.10.2019.

11. The issue as to whether compensation could be claimed as per G.O.(Ms)No.63 and G.O.(Ms.)No.86 for the project that was implemented prior to the issuance of GO was already considered by a Coordinate Bench of this Court in *P.Asreen Banu* case, stated *supra*. It has been held that for the projects completed prior to the issuance of GOs, the landowners are not entitled to claim compensation under the aforesaid GOs, as the Government Orders are prospective in nature and cannot be applied retrospectively. The relevant portion of the order made in *P.Asreen Banu* case, stated *supra*, is extracted hereunder for easy reference:-

"4. No doubt, under Section 10(d) of the Telegraph Act, the owner of the land is entitled to claim damages within the limit contemplated under the provision. However, payment of compensation towards damages with regard to Right of Way for transmission lines in accordance with Government Order in G.O.Ms.No.63, Energy (A1) Department dated 22.11.2017

Page 6 of 12



WEB COPY



W.A.No.431 of 2026

as modified in G.O.Ms.No.86, Energy (A1) Department dated 30.10.2019 shall be granted only with prospective effect. The Government Order is a policy decision taken for grant of compensation towards damages with regard to Right of Way for transmission lines and actual occupation of land which is not contemplated under the Telegraph Act. Paragraph No.4 of the Government Order reads as under:-

4. The Government after careful examination of the proposal of Chairman, TANTRANSOCO 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 110 kv & 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 lower base area (between four legs).

b) Compensation towards diminution of land value in the width of Right of Way (RoW) Corridor due to laying of transmission line, subject to a maximum of 15% of land value as determined based on Circle rate/ Guideline

Page 7 of 12



W.A.No.431 of 2026

value/ Stamp Act rates.

WEB COPY

5. *The above Government Order in unambiguous terms states that the Government Order will be applicable only to new projects with prospective effect. Court cannot interpret the said provision by expanding the scope of the policy, which would fall beyond the realm of the powers of judicial review. Courts have to interpret the words in its plain terms and in the event of any further interpretation or addition would result in causing financial loss to the State exchequer in the present case.*

6. *The Government consciously made a policy decision granting the benefits with prospective effect in respect of the new projects alone. That being the intent of the Government, the Court in exercise of the powers of judicial review is not expected to expand the policy so as to extend the benefit of compensation to all the land owners, wherein, the projects were implemented before issuance of G.O.Ms.No.63, Energy (A1) Department dated 22.11.2017 as modified in G.O.Ms.No.86, Energy (A1) Department dated 30.10.2019.*

7. *Prior to the policy introduced in G.O.Ms.No.63, Energy (A1) Department dated 22.11.2017 as modified in G.O.Ms.No.86, Energy (A1) Department dated 30.10.2019, the land owners are entitled to claim compensation only within the ambit of Section 10(d) of the Indian Telegraph*

Page 8 of 12



WEB COPY



W.A.No.431 of 2026

Act, 1885. The compensation under Section 10(d) is undoubtedly limited. To that extent, if the land owners are aggrieved, may file appropriate petition before the competent fora claiming compensation. The TANTRANSO also has right to defend their case in the manner known to law.

8. As far as the present case is concerned, admittedly the project was completed in March 2017, which is prior to G.O.Ms.No.63, Energy (A1) Department dated 22.11.2017 as modified in G.O.Ms.No.86, Energy (A1) Department dated 30.10.2019. Therefore, the respondents are not entitled to claim compensation under G.O.Ms.No.63, Energy (A1) Department dated 22.11.2017 as modified in G.O.Ms.No.86, Energy (A1) Department dated 30.10.2019. However, the respondent may claim compensation under Section 10(d) of the Telegraph Act and in the event of filing any petition before the competent fora, the appellants are also entitled to defend their case in the manner known to law."

12. Admittedly, in the instant case, the lands of the first respondent have been utilised for implementation of the project erecting 110 KV HT power line and the project has been completed in February 2017 itself, which is prior to G.O.(Ms)No.63 dated 22.11.2017, as modified in G.O.(Ms)No.86 dated 30.10.2019. When

Page 9 of 12



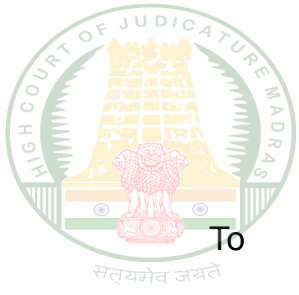
W.A.No.431 of 2026

the project has been implemented prior to the GOs, the issue is squarely covered by the decision of this Court in *P.Asreen Banu case* stated *supra* and the first respondent cannot claim compensation under G.O.(Ms)No.63 and G.O.(Ms)No.86. However, the first respondent may claim compensation under Section 10(d) of the Telegraph Act and in the event of filing any petition before the competent forum, it is for the appellants to defend the claim in the manner known to law.

13. In view of the above, the impugned writ order dated 26.11.2025 made in W.P.No.5129 of 2024 is set aside and the Writ Appeal stands allowed. There shall be no order as to costs. Consequently, the interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ.) (G.ARUL MURUGAN, J.)
02.06.2026

Index : Yes/No
Neutral Citation : Yes/No
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To

WEB COPY

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sri

W.A.No.431 of 2026

02.06.2026

Page 12 of 12