



WEB COPY

W.A.No.2588 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.2588 of 2023
and
C.M.P.No.21840 of 2023

1.Tamil Nadu Transmission Corporation Ltd., (TANTRANSCO),
Rep. by its Chairman,
10th Floor-NPLRR Maaligai,
No.144, Anna Salai, Chennai – 600 002.

2.The Superintending Engineer,
General Construction Circle,
182, Dr. Subbarayan Road,
Tatabad, Coimbatore – 641 012.

...Appellants

Vs.

1.P.Asreen Banu

2.The District Collector,
Office of the District Collector,
Coimbatore.

...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the impugned order dated 02.08.2023 made in W.P.No.629 of 2023.

For Appellants : Mr.P.S.Raman,
Advocate General
for Mr.D.R.Arun Kumar



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For Respondents : Mr.K.C.Karl Marx for R1

Dr. S.Suriya,
Addl. Govt. Pleader for R2

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Under assail is the writ order dated 02.08.2023 passed in W.P.No.629 of 2023.

2. Tamil Nadu Transmission Corporation Ltd., [hereinafter referred to as “TANTRANSCO”] instituted the present intra-Court appeal under Clause 15 of the Letters Patent mainly on the ground that the policy decision for grant of compensation towards damages with regard to Right of Way for transmission lines is granted prospectively and the Writ Court has applied the policy with retrospective effect, which would result in huge financial loss and more so, opens pandora’s box, where many such similarly placed persons will also claim in respect of the projects/ schemes implemented long before.

3. Mr.P.S.Raman, learned Advocate General appearing on behalf of the appellants would contend that Section 10(d) of the Indian Telegraph Act, 1885 provides that “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

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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.”

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 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, TANTRANSO 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 value/ Stamp Act rates.

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.



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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 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 TANTRANSCO 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.



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9. In view of the above position the impugned writ order dated 02.08.2023 made in W.P.No.629 of 2023 is set aside and the Writ Appeal stands **allowed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) (C.K., J.)
10.02.2026

dsa
Index :Yes/No
Neutral Citation :Yes/No
Speaking/Non-speaking order



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To

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