



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25-03-2026**

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**THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY**

**WP No. 33334 of 2022**

D.Babunaidu  
S/o.Duraisamy,  
New No.58, Pillaiyar Koil Street,  
puthagaram, Kolathur,  
Chennai- 600 099.

Petitioner(s)

Vs

1. The Government of Tamil Nadu  
Rep by its Principal Secretary,  
Energy Department, Fort st. George,  
Secretariat, Chennai- 09.

2.The Chairman  
Tamil Nadu Transmission Corporation  
Limited, NPKRR Maaligai,  
No.144, Anna Salai, Chennai- 600 002.

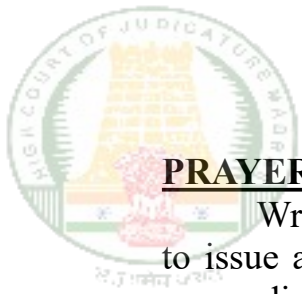
3.The District Collector  
Chennai.

4.The Superintending Engineer  
General Construction Circle I,  
Tamil Nadu Electricity Board,  
Thiru. Vi Ka Industrial Estate, Guindy,  
chennai-32.

5.The Principal Secretary To Government,  
Revenue Department, Fort St. George,  
Chennai - 600009.

(R5 SUO MOTU IMPLEADED VIDE  
ORDER DT 14.07.2023 MADE IN  
WP.33334/2022 BY SMSJ)

Respondent(s)

**PRAYER**

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the proceedings of the Respondent in S.M.No. J11 / 20222 / 2022, dated 09.09.2022 in respect of the petitioners property in Survey No. 14 / 6 at Puthagaram Village, Ambathur Taluk, Thiruvallur District and to quash the same and to further direct the Respondent to jointly or severally pay the compensation for the diminution of land value to the Petitioner due to erection of the Transmission Tower and Transmission Lines by the Respondent during the year 2009 along with interest up to the date of payment of the said compensation

For Petitioner(s): Dr.R.Gouri

For Respondent(s): Mr.D.R.Arunkumar, St.counsel for R2 & 4  
Mrs.S.Anitha, SGP for R1, 3 & 5

**ORDER**

This writ petition has been filed challenging the impugned order dated 09.09.2022 passed by the respondents.

2. The learned counsel for the petitioner would submit that in this case, the respondents 4 & 5 had laid high tension electric lines in the petitioner's land from the year 2009. However, till date, no compensation was determined. In this regard, a representation was also made by the petitioner. The said representation was considered and impugned order came to be passed.

3. Further, he would submit that the electric lines were laid in the middle of the subject land, due to which, the petitioner was unable to enter into the said



land to carry on the agricultural activities. In such case, the respondents are supposed to have considered atleast to an extent of 50 ft of land, where the electric lines were laid, as unutilised land and determined the compensation in terms of the provisions of Section 10D of the Telegraph Act, 1885. Hence, this petition.

4. On the other hand, the learned counsel for the respondent would submit that if the petitioner is aggrieved over the compensation determined by the respondent, the right course available to the petitioner is to challenge the same before an appropriate Court in terms of 16(3) of the Telegraph Act, 1885. However, without doing so, the petitioner had approached this Court. To substantiate his submission, he referred to the judgment dated 18.08.2021 rendered by the Hon'ble Division Bench of this Court in WA.No.380 of 2020. Hence, he requests this Court to pass appropriate orders.

5. Heard the learned counsel for the petitioner and the respondents and also perused the entire materials available on record.

6. In the case on hand, the main grievance of the petitioner is with regard to his inability to carry on the agricultural activities at the subject land during rainy season, due to the High Tension Electric Lines, which were laid by the respondents.



7. A serious consideration has to be given to the above submission made by the petitioner. As rightly submitted by the petitioner, the process of cultivation in the subject land cannot be carried on during rainy season, since there will be a chance for passing of current for atleast a distance of around 50 feet from the place, where the electric lines were laid. When such being the case, for all practical purposes, the area to an extent of 50 feet around outside the spot, where the electric lines were laid, has also to be considered as unutilised land while determining compensation. However, the said aspect was not at all considered by the respondents. Hence, this Court feels that it would be appropriate to set aside the impugned order and remit the matter back to the concerned Authority for the purpose of re-determination of compensation.

8. As far as the reference made by the respondent to the judgment dated 18.08.2021 rendered by the Hon'ble Division Bench of this Court in WA.No.380 of 2020 is concerned, in that case, all the aspects were taken into consideration while determining the compensation and hence, this Court directed the petitioner therein to approach the appropriate Court for re-determination of compensation in terms of Section 16(3) of the Telegraph Act, 1885. However, in the present case, while determining compensation, no discussion was made and no consideration was given with regard to the sufferings of the petitioner. In such case, it is clear that the impugned order was passed by the respondent in total non application of mind and the same is liable to be set aside.



9. Accordingly, the impugned order is hereby set aside and the matter is remitted back to the 4<sup>th</sup> respondent. The 4<sup>th</sup> respondent is directed to consider all the aspects discussed above, including the inability of the petitioner in carrying on agricultural activities in the subject land during rainy season, and thereafter determine the compensation in accordance with law.

10. With the above directions, this writ petition is disposed of. No cost.

**25-03-2026**

nsa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Rep by its Principal Secretary, Energy  
Department, Fort St. George,  
Secretariat, Chennai- 09.

2. The Chairman  
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Limited, NPKRR Maaligai, No.144,  
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**KRISHNAN RAMASAMY J.**  
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