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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2086 of 2026

and

W.M.P(MD)Nos.1660 & 1663 of 2026

1.M.Senthilkumar

2.M.Murugan

...Petitioners

Vs

1. The Principal Secretary / Chairman and Managing Director,
TANGEDCO, NPKRR Maaligai,
144, Annasalai,
Chennai.

2. The District Collector,
Collectorate,
Virudhunagar District.

3. The Executive Engineer / Civil,
765, K.V. Electricity Transmission Scheme,
Virudhunagar,
Virudhunagar District.

4. The Joint Director,
Horticulture Department,
Collectorate,
Virudhunagar.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to install the Tower No. 2/4 as per the prior entry permission order passed by the 2nd respondent in Na.Ka.C4/18049/2020 dated 11.02.2022 in accordance with already sanctioned route map and corridor of the scheme transmission line route, by rectifying the deviated contradictory installation of the Tower Nos.2/4 and to reinstall them in its original approved place, on the basis of the Petitioner's representation dated 10.11.2025, within a time frame to be stipulated by this Court.

For Petitioners : M/s.A.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

For Respondents : M/s.S.Deenadhayalan
Standing Counsel for R1 & R3
Mr.M.Gangadharan
Government Advocate
for R2 and R4

ORDER

The present writ petition has been filed challenging the order passed by the second respondent herein on 22.08.2025 granting enter upon the permission in favour of the respondents 3 and 4 herein.

2. In a writ petition arising out of similar facts and circumstances, the Hon'ble Division Bench in W.A.No.380 of 2020, dated 18.08.2021, ***The Power Grid Corporation of India Limited and 2 others Vs. N.Baskar and one***



another. Paragraph Nos.5 to 7 of the said order are extracted as follows:-

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“5. We are concerned with the interpretation of two provisions, namely, Section 10(d) and 16(3). Section 10(d) comes under Part III of the Indian Telegraph Act, which deals with the power of the Telegraphic Authority to place telegraphic line and posts. As rightly submitted by the learned Senior Counsel appearing for the first respondent/writ petitioner, Section 10(d) imposes a responsibility on the telegraph authority to make sure that any property which it deals with is put into a little damage as possible while exercising its power. Therefore, the legislature in its wisdom has widened the scope to include “any property” and, therefore, “any damage”. As the provision is couched with a wider connotation, restrictive meaning is contrary to the object and rationale leading to its interpretation.

6. Section 10(d) has to be read in conjunction with Section 16(3). Section 16(3) speaks of “any dispute”. Therefore, one has to concern with the disputes between the owner and the telegraphic authority. We cannot define the dispute in a restrictive way. Such definition is not meant to be introduced under Section 16(3) and that is the reason why it clearly says that any dispute between the parties while exercising the power by the telegraphic authority under Section 10(d). Therefore, Section 10(d) imposes an element of responsibility to the telegraphic authority asking it to exercise caution and restraint with respect to a possible damage to any property, any dispute in the exercise of such a power would be amenable to Section 16(3). The word 'sufficiency of compensation' has also to be given a wider interpretation. When we speak about the sufficiency of compensation it will also include the case of no-compensation as well. Otherwise not only Section 10(d) but Section 16 would become redundant and otiose. There is no difficulty in understanding the aforesaid provision in



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Section 16(3), which confers the power on the District Court to adjudicate upon any dispute between the telegraphic authority on the one hand and the owner on the other hand.

7. In such view of the matter, we are inclined to permit the first respondent/writ petitioner to approach the District Court within a period of eight weeks from the date of receipt of a copy of this judgment by invoking Section 16(3) by making an application. On such application, we expect the jurisdictional District Court to decide all the issues on the question of sufficiency of the compensation provided the writ petitioner would be able to show the damage.”

3. In view of the decision of the Hon'ble Division Bench, the petitioner is directed to approach the concerned District Court within a period of 8(eight) weeks from the date of receipt of a copy of this order by invoking Section 16(3) of the Act. In case, if any such application is filed, the concerned District Court shall dispose of the same on the question of sufficiency of the compensation provided to the writ petitioner.

4. With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

28.01.2026

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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R.VIJAYAKUMAR, J.

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