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W.P.No.5129 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.11.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5129 of 2024
and
W.M.P.No.5641 of 2024

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

.. Petitioner

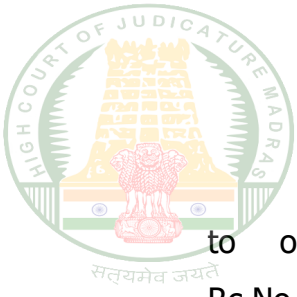
Vs.

1. The District Collector-cum-The District Executive Magistrate,
Chengalpattu District,
Tamil Nadu-631 501.
2. The Chief Engineer,
Transmission Projects-I,
Tamil Nadu Transmission Corporation Ltd.,
Chennai-32.
3. The Superintending Engineer,
General Construction Circle-I,
A-10, Thiru-vi-ka Industrial Estate,
Guindy, Chennai-32.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for
issuance of a Writ of Certiorarified Mandamus and call for the records pertaining

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to order dated 18.11.2023 passed by the first respondent in Rc.No.14639/2019/M2 and quash the same and direct the first respondent to award compensation to the petitioner under Section 10 of the Indian Telegraph Act, 1885 read with G.O.Ms.No.86, Energy (A1) Department, dated 30.10.2019 with a reasonable interest payable from the date of taking possession of the petitioner's lands.

For petitioner : M/s.Hari Radhakrishnan

For respondents: Mr.P.Ganesan, Addl.G.P. for R-1

Mr.D.R.Arun Kumar, Standing Counsel for RR-2 and 3

ORDER

The petitioner-Company has filed the present Writ Petition praying for issuance of a Writ of Certiorarified Mandamus and call for the records pertaining to order dated 18.11.2023 passed by the first respondent in Rc.No.14639/2019/M2 and quash the same and direct the first respondent to award compensation to the petitioner under Section 10 of the Indian Telegraph Act, 1885 read with G.O.Ms.No.86, Energy (A1) Department, dated 30.10.2019 with a reasonable interest payable from the date of taking possession of the petitioner's lands.



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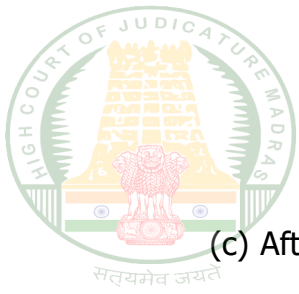
2. The facts that led to the filing of the present Writ Petition, are as

follows:

(a) The petitioner-Company is the absolute owner of the land comprised in Survey No.217 of Thiruporur and Survey No.245/2B, Kalavakkam Village, Thiruporur Taluk, present Chengalpattu District. The petitioner-Company purchased the said lands, vide sale deed Document No.1949/2003, 1951/2003, 2239/1993, registered in the office of the Sub-Registrar, Thiruporur. In the year 2013, the second respondent, namely the Tamil Nadu Transmission Corporation Ltd., issued a Notification No.VI-3(b)/19/2011, dated 13.07.2011 for erection of 110 KV HT line for Chennai Metro Water and Desalination Plant, which was to run from Orchid Common Point to Siruseri Sub-Station. Prior to that, TANGEDCO proceedings No.78 was issued dated 10.03.2011 and press notification dated 02.06.2011 on this project.

(b) The contract for execution of the work was entrusted to M/s.IVRCL Limited, vide, work order No.LR.No./CE/TR/SE/C/TR/EC/A2/F, dated 18.10.2012 and as per the approved drawing, dated 17.05.2011. The entire line from M/s.Orchid Common point to Thaiyur for total length of about 11 Kms. was planned to be laid in the vacant salt lands belonging to the State and Central Governments. In the entire length of 11 Kms. usage of private Patta land, was not envisaged as per approved plan, dated 17.05.2011.

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(c) After the work for laying the transmission line commenced, the Contractor of the project, viz., M/s.IVRCL Limited, dumped the transmission line material in the 58-cent property of the vacant land of M/s.Sree Maruthi Marine Industries Limited, being a sister-concern of the petitioner-Company and the said Company asked the Contractor for explanation. M/s.IVRCL Ltd., vide their letter dated 02.07.2013, informed M/s.Sree Maruthi Marine Ltd. that they were executing the TNEB Work for laying transmission line and also stated that they have stacked material for construction purposes for a period of three months. In response, M/s.Sree Maruthi Marine Industries Limited, vide their letter dated 08.07.2013, informed that the transmission line material was illegally dumped in their land and also gave them a notice to vacate the land within a time period of 48 hours, but they did not comply with the said instruction.

(d) The third respondent wrote to M/s.Sree Maruthi Marine Industries, requesting permission to continue storing for some more time. While so, because of the above episode IVRCL Limited illegally diverted the route through the land belonging to the petitioner-Company and started laying foundation for erection of the transmission tower. The petitioner-Company's land is adjacent to the Government salt lands. As per the approved plan dated 17.05.2011, the transmission line was to run only through the adjacent Government land only. However, without any notice or prior information, the Contractor M/s.IVRCL



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Limited, had constructed the foundation base for erection of the transmission tower on the petitioner-Company's lands.

(e) When once the petitioner-Company came to know about the construction of foundation base, they had, vide their letter, dated 30.07.2013, requested the third respondent to visit the petitioner's land for inspection to verify the genuineness of the claim of the petitioner-Company. There was no response to the said letter. Thereafter, the petitioner, vide their letter dated 16.08.2013, requested TANTRANSCO to shift the foundation base which was constructed by the Contractor. This was also personally conveyed to them in the meetings conducted in the presence of the Salt Department officials several times. Thereafter, the petitioner requested the second respondent, vide their letter, to shift the foundation laid on their premises and this letter was personally delivered to him. However, both the second respondent and third respondent did not take any action. It was also brought to the attention of the second respondent that the transmission tower was being constructed in an unapproved route and without obtaining the petitioner's consent.

(f) The petitioner filed a Writ Petition in W.P.No.18443 of 2014 before this Court to direct the District Collector, Superintending Engineer and the Chief Engineer to refer the petitioner's letter dated 16.08.2013 to District Collector in terms of Section 16(1) of the Telegraph Act. This Court, vide order dated



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14.07.2014, directed the third respondent to consider the petitioner's representation, dated 16.08.2013 and to pass orders on merits and in accordance with law.

(g) The petitioner-Company, vide letter dated 22.08.2014, gave a brief note on their objections to the third respondent and also produced records to justify the shifting of transmission tower to nearby Government lands at their cost. The Superintending Engineer conducted joint inspection along with petitioner on 20.09.2014 and a decision was taken to shift the foundation to nearby salt lands. The petitioner, vide letter dated 18.10.2014, addressed to the third respondent and made a representation that the cost of shifting has to be borne by TANTRANSCO, since they deviated from the approved routes. The third respondent, vide communication dated 19.02.2025, agreed to shift the foundation, but directed the petitioner to bear the cost of shifting Rs.19,22,620/-. Aggrieved by this order, the petitioner filed a Writ Petition in W.P.No.8230 of 2015 and this Court, vide order dated 05.11.2015, referred the matter to the District Collector, Kancheepuram to enquire and pass orders on merits.

(h) After enquiry, the District Collector passed an order dated 23.01.2017 vindicating the stand of the Superintending Engineer and gave permission to enter upon the land for completing the transmission line job. The said order was

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given to the petitioner after a gap of 3 days of giving it to the third respondent and by that time, the TANTRANSCO worked day and night and completed the erection of the transmission tower.

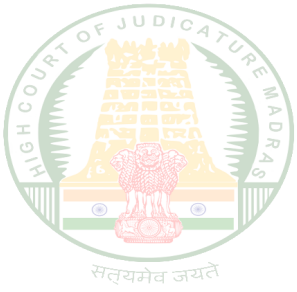
(i) In the meantime, the petitioner-Company filed a Writ Petition in W.P.No.13747 of 2018 against the order dated 23.01.2017 of the District Collector on the following grounds:

(a) None of the petitioner's objections were recorded and discussed. On the contrary, it was dealt with as if the petitioner had not been present for enquiry and that this amounted to violation of the principles of natural justice.

(b) Order was not delivered in the presence of both petitioner and respondents, but it was delivered to the petitioner after a gap of 3 days of delivering to respondent.

(j) This Court recorded the completion of work by TANTRANSCO and vide order, dated 26.04.2019, held that the petitioner is eligible for compensation. This Court, by order dated 26.03.2019, observed as under:

"Considering the fact that the Honourable Division Bench of this Court, vide its judgment dated 16.02.2018 passed in W.A.No.180 of 2018, while dismissing the writ appeal made an observation that the petitioner is entitled



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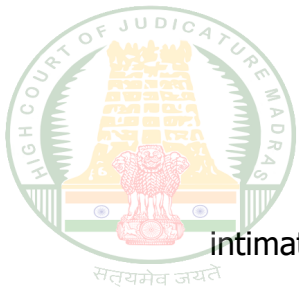


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for compensation, this Court directs the respondents to pass orders on the pending representation dated 05.10.2017 of the petitioner after providing an opportunity of personal hearing to him and also in the light of the observation made by the Hon'ble Division Bench of this Court as stated supra. Liberty is also given to the petitioner to submit necessary documents to the authority."

(k) The petitioner-Company enclosed its representation dated 05.10.2017 and wrote to the District Collector on 24.05.2019 and also requested for compensation. This is followed by letters and representations, dated 15.05.2019, 24.05.2019, 19.07.2019, 19.11.2019, 20.01.2020 and 30.11.2020.

(l) On 10.08.2023, the District Collector concluded the inquiry following the submission of arguments by both the petitioner and the respondent. In the meanwhile, on 09.09.2023, the District Collector was of the view that TANTRANSCO's written statement was inadequate and many points raised by the petitioner-Company were not addressed. Therefore, the District Collector wrote a letter to TANTRANSCO and the TANTRANSCO replied to the said letter on 09.09.2023. The proceedings were reopened by the District Collector without



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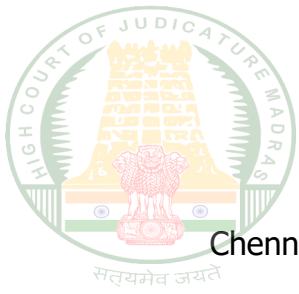
intimation to the petitioner-Company. The petitioner-Company, vide letter dated 17.10.2023, objected to the action of the Collector for reopening the case without their knowledge. The District Collector passed an unilateral order dated 18.11.2023, rejecting the claim for compensation, against which, the present Writ Petition is filed.

3. The second respondent has filed counter affidavit stating as follows:

(i) The TANTRANSCO Limited is an Electric Power Transmission System Operator, owned by the Government of Tamil Nadu and a successor entity to the erstwhile Tamil Nadu Electricity Board. The Writ Petition is not maintainable at all and is devoid of merits on both factual and legal aspects.

(ii) The TANTRANSCO is a deemed Transmission Licensee in the capacity of Transmission utility as envisaged under Sections 39 and 40 of the Electricity Act, 2003 and before traversing on the various contentions raised in the Writ Petition and place the following legal submissions:

(iii) The Scheme for extension of EHT supply for a new demand of 22000 KVA at 110 KV to CMWSSB at Nemmeli Village, Chengalpattu Taluk, Kancheepuram District, has been sanctioned, vide (Per) (CMD) TANGEDCO Proceedings No.78, dated 10.03.2011 for an amount of Rs.4169.70 lakhs (gross and net). The technical sanction had been accorded by the Chief Engineer /



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Chennai South Region, vide Memo No.CE/CSR/EET/T2/F.CMWSSB/D.4444/2011, dated 11.03.2011. The cost of the scheme is Rs.5254.2292 lakhs (gross and net). Before the scheme was sanctioned, extensive survey was conducted to collect the data regarding environmental telecommunication line crossings, power line crossings, telecommunication line crossings, Railway crossings, River crossings and the inhabitations. Further, while conducting the survey, special care was taken to avoid routing the transmission lines through reserved/protected forest, bulk storage oil tank, airports cluster of hamlets to avoid or to minimize the damages. The sanctioned "Erection of 110 KV SC line on DC towers from Siruseri 230/110 KV SS to M/s.ORCHID Common point and stringing of three numbers panther conductors in the free arm from M/s.ORCHID Common point to M/s.Chennai Metropolitan Water Supply and Sewerage Board to Nemmeli Village, Chengalpattu Taluk, Kancheepuram District (Source-II) for a route length of 30.10 km and for a value of Rs.4169.70 lakhs, had been published in local newspapers, Namadhu MGR, dated 02.06.2011 and the Indian Express, dated 02.06.2011 for information to the general public.

(iv) The sanctioned "Erection of 110 KV SC line on DC towers from Siruseri 230/110 KV SS to M/s.ORCHID Common point and stringing of three numbers Pantner Conductors in the free arm from M/s.ORCHID Common point to M/s.Chennai Metropolitan Water Supply and Sewerage Board at Nemmeli Village,

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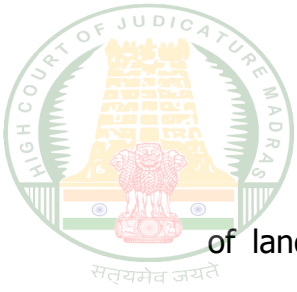


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Chengalpattur Taluk, Kancheepuram District (Source-II) and for a route length of 30.10 Km and for a value of Rs.4169.70 lakhs had been notified in the Tamil Nadu Government Gazette No.26 Part IV – Section 3(b) page Nos.42 and 43 dated 13th July, 2011. The route for the 110 KV transmission line had been approved by the Chief Engineer/Transmission Chennai-02, vide Memo No.SE/TR-1/EW/A1/L.2157/D.153/11, dated 10.05.2011. The subject 110 KV line is laid from Siruseri 230 KV sub-station on DCW basis for extension of the second source of supply to M/s.Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) 100 MLD desalination plant at Nemmeli to cater the increasing water supply demand in and around Chennai City. The work had been completed on 05.02.2017 and the line is energized and catering to the demand of water supply to South Chennai.

(v) The 110 KV line is laid from Siruseri 230 KV sub-station to M/s.CMWSSB, Nemmeli on DCW basis for extension of the second source. From location 45 to 61, the 110 KV line passes through Thaiyur Village, the land belonging to the Government of India, Covelong Salt Factory, Kelambakkam-603 103. Necessary permission was obtained from the Government of India, Office of the Deputy Salt Commissioner, Chennai, Department, vide C.No.11015/3/W/GI/2011/1267-1270, dated 20.02.2015, prior to the work execution. The other locations are variable in Patta, poramboke and other types

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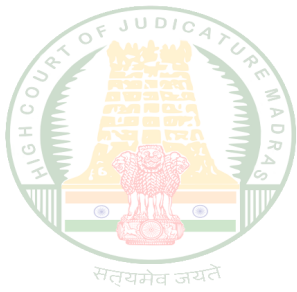
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of lands and the 110 KV line is laid as per the approved route only and on 16.08.2013, the petitioner M/s.Sree Rayalaseema Hi-Strength Hypo Limited, addressed a letter stating that "we will pay the necessary shifting charges and also request you Sir to send an estimation for the foundations to put-up in the adjacent Government land". The approved route is agreed by the petitioner and addressed a letter for shifting of towers to poramboke land on 16.08.2013.

(vi) The project is under Turnkey and the stock materials are in the scope of M/s.IVRCL and the same is not related to the compensation case. During laying of tower foundation in the petitioner's land, there was no objection. The tower foundation works are completed as per approved route and the foundations works are completed. In the Indian Telegraph Act, if any objection or dispute arises, then necessary entering upon is to be obtained from the District Magistrate. Section 10 of the Indian Telegraph Act, reads as follows:

"Section 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 –



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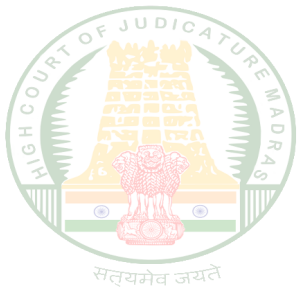
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(a) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the Central Government, or to be so established or maintained;

(b) The Central Government shall not acquire any right other than that of user only in the property under, over, along, 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 damages 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



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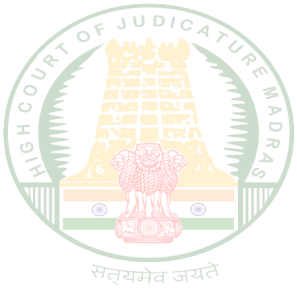
all persons interested for any damage sustained by them by reason of the exercise of those powers.”

(vii) Section 16 of the Indian Telegraph Act reads as follows:

Exercise of Powers conferred by Section 10, and disputes as 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 this being exercised, he shall be deemed to have committed an offence under Section 188 of the Indian Penal Code (45 of 1860).

(3) If any dispute arises concerning the sufficiency of the compensation to be paid under



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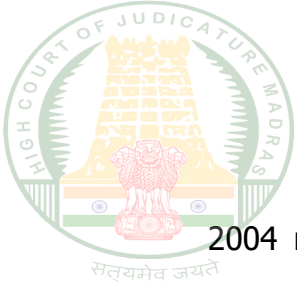
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Section 10, Clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him.”

(viii) The case is related to laying of towers in the petitioner’s land and meeting with salt department officials, does not arise for laying towers in the Patta land and there is no connection with Salt Department as per the compensation case. This Court passed an order in W.P.No.18443 of 2014, directing the Superintending Engineer/GCC-I/Guindy to consider the representation of the petitioner herein dated 16.08.2013 is addressed to the Superintending Engineer/GCC-I/Guindy, Chennai and he shall pass orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of one month from the date of receipt of copy of this order.

(ix) As per the order of this Court passed in W.P.No.18443 of 2014, the representation dated 16.08.2013 was received on 05.08.2014, had been examined on merit and decided to accept the request of the petitioner herein to deviate the line in accordance with law on receipt of the shifting charges from the writ petitioner as per Regulation 5 of the Tamil Nadu Electricity Supply Code,

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2004 read with Regulation 37 of the Tamil Nadu Electricity Distribution Code, 2004 and estimation for shifting charges to the tune of Rs.19,22,620/- was prepared by the SE/GCC-I/Guindy and the impugned order, vide Lr.No.SE/GCC-I/AEE/GL/CHD/F. Rayalaseema / D.290/2015, dated 19.02.2015 was communicated to the writ petitioner herein stating that necessary estimate for shifting of foundation and deviation of Siruseri-Nemmeli 110 KV SC line on DC tower in between location 79 to 81 has been prepared, after having joint inspection with the representative of the writ petitioner and got sanction from the competent authority as per the existing rules of TNEB/TANTRANSCO and therefore, the petitioner herein was requested to remit the estimate amount of Rs.19,22,620/- on or before 28.02.2015 by cash or by means of DD from any nationalized Bank in favour of the Superintending Engineer/GCC-I/Chennai, for the execution of the above work, otherwise, the further course of action will be taken up to execute the line work as it is. M/s.Sree Rayalaseema Hi-Strength Hypo Limited has acknowledged, vide Letter dated 27.02.2015 has requested for 10 days time to act on this and hence, extension of time for remittance of the shifting charges by means of Demand Draft was communicated, vide Lr.No.SE/GCC I/CNI/AEE/GL/CHD/F.Rayalaseema/D.384/2015, dated 05.03.2015 stating that the writ petitioner herein shall remit the said estimate amount of Rs.19,22,620/- on or before 09.03.2015. Since the petitioner has not taken any

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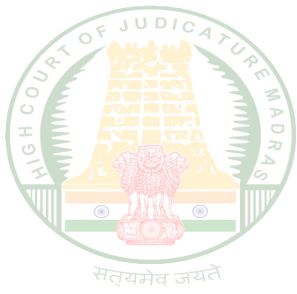


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action to remit the said shifting charges on or before 09.03.2015, the petitioner was addressed, vide Lr.No.SE/GCC I/CNI/AEE/GL/HD/F.Rayalaseema/D.430/15, dated 10.03.2015 stating that action will be taken to erect the 110 KV line in the original approved route for which foundation has been completed and the DCW amount of Rs.19,22,620/- was arrived only at the instance and request of the petitioner, as the petitioner accepted to pay the shifting charges, as per the direction of this Court in W.P.No.18443 of 2014 and the petitioner herein has agreed to pay the shifting charges for the tower already erected as per the approved route. But thereafter, the petitioner filed a Writ Petition challenging the DCW estimate cost, vide W.P.No.8230 of 2015 before this Court. On 05.11.2015, this Court ordered as follows:

"8. Accordingly, there will be a direction to the second respondent to file an appropriate application before the third respondent to enable them to complete the project in question. On such an application being filed by the third respondent, the third respondent shall send notice to the petitioner as well as to the second respondent and consider the objections raised by the petitioner and pass an reasoned order, on merits and in accordance with law, within a period of six weeks from the date of filing the petition before the third respondent.

9. The learned counsel appearing for the petitioner, on instruction, submits that the petitioner will



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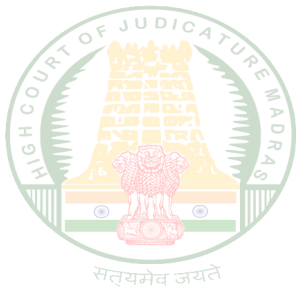


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appear through its authorized representative before the third respondent and cooperate for the expeditious disposal of the petition.”

(x) Based on the orders passed in W.P.No.8230 of 2015 by this Court, an affidavit filed on 25.04.2016 to the District Collector, Kancheepuram by the District Collector, Kancheepuram conducted several enquiries at Kancheepuram Collector’s office and written statement was also filed by the petitioner to the District Collector, Kancheepuram. After hearing both sides, the District Collector, Kancheepuram issued an enter upon order to the Superintending Engineer/GCC I, Chennai, vide proceeding RC.No.8015/2016/date 23.01.2017 and based the enter upon issued by the District Collector, Kancheepuram, the tower erection, stringing and all works completed and the line energized on 05.02.2017. Further, the petitioner filed W.P.No.3973 of 2017 and the same was disposed of on 11.04.2017 as follows:

“5. The power under Section 16 of the Indian Telegraph Act, 1885 is very limited. The third respondent took note of the fact that there was only one sanctioned approved route. Though the petitioner has made an allegation that the said route has been subsequently modified, there is no material to substantiate the same. On the contrary, it is the consistent stand of respondents 1 and 2 that there has



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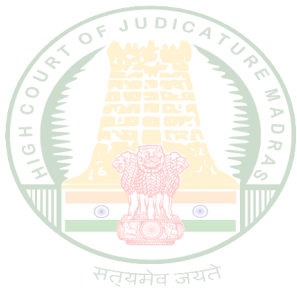
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been only one approved sanctioned route. That is the reason why the request of the petitioner was considered with the caveat to make the necessary charges. The decision of respondents 1 and 2 is a conditional one. The petitioner seeks as a matter of right that the alternative route, without asking him to pay the amount for it. When once it is clear that there was only one sanctioned route, the petitioner does not have a vested right to contend to the contrary. On facts, the entire work is over except the process of energizing the lines.

6. Therefore, looking from any perspective, this Court does not find any reason to interfere with the order impugned. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.”

(xi) The petitioner filed W.A.No.180 of 2018 against the single Judge order, vide, W.P.No.3973 of 2017, order dated 11.04.2017 and the same was disposed of on 16.02.2018 as follows:

“34. At the risk of repetition, this Court once again points out that when there was only one approved sanctioned route, the Appellant/writ petitioner cannot lay a vested right to take contrary stand. On an over-all assessment of the entire



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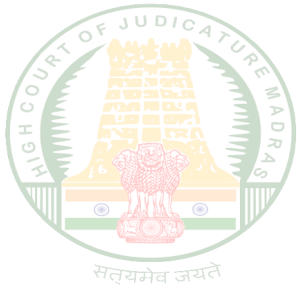
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conspectus of the attendant facts and circumstances of the instance case, this Court comes to an irresistible conclusion that the entire work according to the respondents, was completed and the lines were energized.

35. Therefore, on going through the impugned order passed by the learned single Judge and also looking at from all angles, this Court does not find any material irregularity or illegality in the order of the dismissal passed by the learned single Judge. Consequently, the Writ Appeal fails and the same is dismissed. No costs."

(xii) The petitioner filed W.P.No.13747 of 2018 before this Court and this Court has ordered on 26.03.2018 as follows:

"4. In view of the above, considering the fact that the Hon'ble Division Bench of this Court, vide its judgment dated 16.02.2018 passed in W.A.No.180 of 2018, while dismissing the writ appeal made an observation that the petitioner is entitled for compensation, this Court directs the respondents to pass orders on the pending representation dated 05.10.2017 of the petitioner after providing an opportunity of personal hearing to him and also in the light of the observation made by the Hon'ble Division Bench of this Court as stated supra. Liberty is also given to the petitioner to submit necessary documents to



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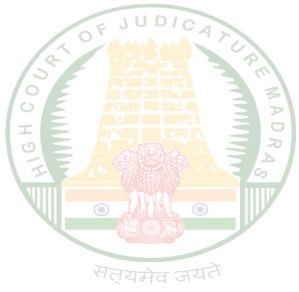


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the concerned authority. With this direction, the writ petition is disposed of. No costs.”

(xiii) The petitioner thereafter filed a petition on 17.05.2022 to the District Collector, Chengalpattu and after examining the petition by conducting enquiries on 30.03.2023 and 10.08.2023 by the District Magistrate and District Collector, Chengalpattu. The field report was sent from Sub-Collector, Chengalpattu. The orders were passed on 18.11.2023 by the District Collector, Chengalpattu, vide RC.No.14639/2019/M2, as below:

“In the light of the above facts and circumstances concerning the case at hand, this authority finds no merit in the claim for land compensation made by M/s.Rayalaseema Hi Strength Hypo Limited, in respect of their lands comprised in S.No.245/2B of Kaalavakkam Village and S.Nos.217/1, 271/2 and 217/3 of Thiruporur Village in Chengalpattu District, consequently, orders are hereby passed rejecting the claim petition first cited, filed by the above company as devoid of any merits.”



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(xiv) The District Collector, Chengalpattu passed orders after field report from Sub-Collector, Chengalpattu and conducting proper enquiries on 30.03.2023 and 10.08.2023 with TANTRANSCO officials and M/s.Rayalaseema Hi-strength Hypo Ltd., representative Thiru.K.Gurumoorthy, son of N.Krishnamoorthy.

(xv) The compensation cannot be paid to the petitioner, as the work in respect of scheme involved was completed on 05.02.2017. In G.O.(Ms).No.63, dated 22.11.2017, in para (4), "The Government after careful examination of the proposal of Chairman, TANTRANSCO have decided to accept the same. Accordingly, the Government order the adaptation 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" as per G.O.(Ms).No.63, dated 22.11.2017 and G.O.(Ms).No.86, dated 30.10.2019. The petitioner is not eligible for land compensation and the petition filed by the petitioner on 17.05.2022 has been rejected by the District Collector, Chengalpattu on 18.11.2023. The modified version of G.O.(Ms).No.63, dated 22.11.2017 is G.O.(Ms).No.86, dated 30.10.2019 and the extension of the earlier G.O.(Ms).No.63, dated 22.11.2017, only in terms of rates of compensation payable to the land owners are not to be constructed as any amendment intended to take away the earlier prospective



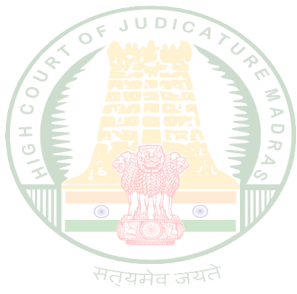
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clause regarding payment of compensation. The petitioner is not eligible for land compensation as per G.O.(Ms).No.63, dated 22.11.2017 and G.O.(Ms).No.86, dated 30.10.2019, since the land compensation is not eligible, there is no clause for fixation of present value of the land. In G.O.(Ms).No.63, dated 22.11.2017, in paragraph (4), it is stated that, "The Government after careful examination of the proposal of Chairman, TANTRANSCO have decided to accept the same. Accordingly, the Government Order the adaptation of Government of India, Ministry of Power Guidelines for payment of compensation towards damages in above as below, subject to the condition that it will be applicable only to new projects with prospective effect."

(xvi) The TANTRANSCO has not paid any land compensation till date for the line works completed prior to G.O.(Ms).No.63, dated 21.11.2017. Further, in W.P.No.4766 of 2018, this Court ordered on 20.04.2021 as follows:

"(6) The learned counsel appearing for the first respondent replied that if the petitioner make representation to the authority concerned for compensation, the same shall be considered in the light of the Government Order.

(7) The above statement of the learned counsel appearing for the first respondent is recorded. Since already line was erected, no relief can be granted to the petitioner, however, the petitioner is at liberty to give representation to the authority concerned seeking



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compensation for the loss sustained by her. If the petitioner filed application for compensation, the authority concerned shall consider the same and pass appropriate orders in the light of the Government Order.

(8) With the above observation, this writ petition is disposed of. No costs. The writ miscellaneous petition is closed.”

(xvii) The District Collector, Chengalpattu passed an order for land compensation on 06.04.2023, vide RC.No.5238/2022/M2 based on G.O. (Ms).No.63, dated 21.11.2017 for an amount of Rs.20,67,450/- where its contrary to the provision in the G.O., since the scheme has been sanctioned on 04.08.2016, vide Memo No.CE/D/CSR/EET/T2/F.M/s.HLL BIOTEC / D.499/2016, dated 04.08.2016. The TANTRANSCO has addressed the District Collector, Chengalpattu to re-consider the order issued for land compensation, vide letter No.SE/GCC-I/CNI/AEE/GL/F.Court Case/D.No.964/23, dated 08.08.2023 and as per G.O.(Ms).No.63, dated 22.11.2017 in paragraph 4, “The Government after careful examination of the proposal of Chairman, TANTRANSCO have decided to accept the same. Accordingly, the Government Order the adaptation 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 and 230 KV lines and above as below, subject to the condition that it will be

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applicable only to new projects with prospective effect.” Hence, for all the above reasons, the respondents pray to dismiss the present Writ Petition.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on records.

5. Admittedly, the petitioners land was used for erection of 110 KV High Tension power line in the year 2014. It is also admitted fact that prior to 2017, there is no provision available for payment of compensation to the agriculturist or land owners where the land was damaged by the electricity board for erection of the power lines. The Government of India, Ministry of Power has issued the guidelines in respect of payment of compensation dated 15.10.2015. It is equally undisputed fact that the above G.O. No.63 dated 22.11.2017 does not permit payment of compensation on retrospective basis. However, the guidelines were issued in the year 2015, whereas the said G.O. was passed in the year 2017. According to the respondent, the petitioners land was used by Board in the year 2014 prior to guidelines issued. Therefore, the petitioner is not entitled for payment of compensation. The similar issue was came up for consideration

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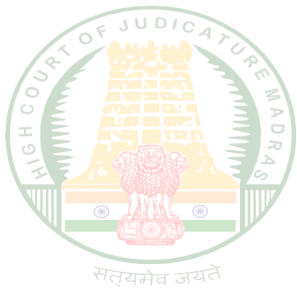
before this court in W.P.No.32820 of 2017 and this Court has allowed the same.

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The relevant paragraphs are extracted as follows:

"5. The Central Government requested all the States and Union Territories to take suitable decision regarding adoption of the guidelines considering as acquisition of land is a State subject. The Government of Tamil Nadu adopted the guidelines only on 22.11.2017 by passing G.O.Ms.No.63. Even, at that point of time, they adopted only for new projects with prospective effect. It is not clear as to what was the justification for the Government to pass the order prospective because the land owner should be adequately compensated. However, subsequently the Government appears to had a fresh thought process and G.O.(Ms)No.86, Energy (A1) <http://www.judis.nic.in> Department dated 30.10.2019 has been passed, which does not make it prospective, but takes care of the interest of the land owner/loser. Therefore, the compensation payable to the petitioner is required to be computed in terms of G.O.Ms.No.86 dated 30.10.2019 for which purpose, the 3rd respondent should take action.

6. For the above reasons, the writ petition is allowed and the impugned order is quashed and the matter is directed to be placed before the 3rd respondent, who shall consider the petitioner's request and after hearing the 2nd respondent/Officers and the petitioner pass a speaking order fixing the compensation payable to the petitioner by adopting the guidelines issued in G.O.Ms.No.86 dated 30.10.2019 and the petitioner is at liberty to produce all documents in support of his claim. No costs. Connected miscellaneous petition is closed."



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6. In another issue, in W.P.No.23874 of 2013 dated 24.03.2024, this Court passed the following order;

"10. In the instant case, the respondents have given categorical instruction and without attempting to get any approval as contemplated under Sec.16 of the Act, the respondents have proceeded to erect the poles. Therefore, the action of the respondents is not only violation of Sec. 16 of the Act but also in violation of interim order granted by this Court in M.P.No.1 of 2015 dated 06.08.2015. Therefore, considering the totality of the circumstances, this Court directs the 1st respondent to take up the matter with the District Collector, Tiruvallur District and fix appropriate compensation as per the new Act, Right to Fair Compensation Act, 2013 and in the light of the G.O.Ms.No.86, Energy (A1) Department dated 30.10.2019 and pay compensation as becoming of the due respect to the Agriculture industry. The District Collector Tiruvallur is directed to complete the process within a period of 12 weeks from the date of receipt of the copy of this order."

7. On perusal of the above decisions, makes it clear that eventhough the respondents are empowered to erect in any place, Section 16 of the Act mandates that the compensation shall be fixed by the Government, for which, the Central Government have also issued guidelines to the State Government to



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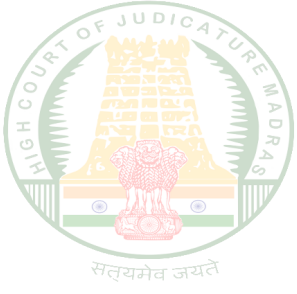
take suitable action for payment of compensation. Pursuant to which, the Government Order was passed by the Government.

8. In view of the above observation, this Court is inclined to set aside the impugned order passed by the first respondent is set aside. The matter is remanded back to the first respondent. The first respondent is directed to pay compensation to the petitioner as per the guidelines issued by the Government and the Government Order in G.O.Ms.No.86 dated 30.10.2019 within a period of two weeks from the date of receipt of a copy of this order.

9. With the above observation and directions, the writ petition is allowed. No costs. Consequently connected miscellaneous petition is closed.

26.11.2025

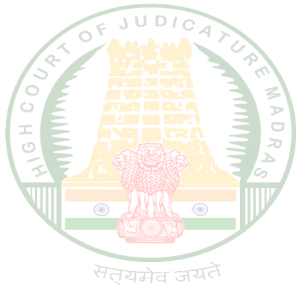
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1. The District Collector-cum-The District Executive Magistrate,
Chengalpattu District,
Tamil Nadu-631 501.
2. The Chief Engineer,
Transmission Projects-I,
Tamil Nadu Transmission Corporation Ltd.,
Chennai-32.
3. The Superintending Engineer,
General Construction Circle-I,
A-10, Thiru-vi-ka Industrial Estate,
Guindy, Chennai-32.



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M.DHANDAPANI,J.

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26.11.2025