

The Chief Engineer, Vs M/s.Sree Rayalaseema Hi-Strength Hypo Ltd.,

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SooperKanoon Citation : sooperkanoon.com/1423197

Court : Chennai

Decided On : Jun-02-2026

Judge : Honourable the Chief Justice,Honourable Mr.Justice G.Arul Murugan

Appeal No. : WA/431/2026

Appellant : The Chief Engineer,

Respondent : M/s.Sree Rayalaseema Hi-Strength Hypo Ltd.,

Judgement :

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 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 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 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. 2026/MHC/581

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 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 respondents 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.

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

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, TANTRANSCO 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.

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.

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 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 Sri To The District Collector-cum-the District Executive Magistrate, Chengalpattu District,

Tamil Nadu 631 501. THE HON'BLE CHIEF JUSTICE AND

G.ARUL MURUGAN, J.

sri 02.06.2026

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