IN THE COURT OF ADDL.DISTRICT JUDGE-II (SPECIAL) KOTTAYAM

Present : Sri. Subash.S, Addl. District Judge-II (Special),Kottayam.

Friday, the 28th day of November 2025.
7th day of Agrahayana, 1947

O.P(Electricity) No.69/2024

Petitioner:-

Rosamma George, Aged 60, W/o. George,
Pachapathikal House, Marangoly P.O,
Njeezhoor Village, Vaikom Taluk, Kottayam.

By Adv. Thomas Joseph.

Respondents:-

1. The Power Grid Corporation of India Ltd.,
400 KV Sub Station, Pallikara, Kunnathunadu,
Kumarapuram, Ernakulam, Pin. 683565.

2. Special Tahsildar (LA) General,
Mini Civil Station, Kottayam- 01.

3. Secretary, KSEB, Vyduthi Bhavan, Pattom,
Thiruvananthapuram, Pin. 695004.

4. District Collector, Kottayam,
Collectorate.P.O, Kottayam-2.

R1 by Adv. V.V. Geetha.
R2 and R4 No vakalath seen filed.
R3 by Adv. Deepthy.S.Nath.

This petition filed under Section 16 (3) of the Indian Telegraph Act for the enhancement of compensation.

This OP(Electricity) having been finally heard on 20.11.2025 and the court on 28.11.2025 passed the following :-

<u>A W A R D</u>

This is a petition filed under Section 16(3) of the Indian Telegraph Act for the enhancement of compensation.

2. The petitioner's case in brief is as follows: Petitioner is the absolute owner of 18.10 ares of property in survey No.408-3 of Njeezhoor Village. To draw the Edamon - Kochi 400 KV electric line across the petitioner's property, the respondents cut down various highly yielding trees standing in the said property. However, the respondents paid only a meagre amount as compensation. According to the petitioner, the compensation awarded by the respondents was inadequate. Further, by drawing the above-said line, the value of the said property has been substantially diminished, for which adequate compensation was not granted. The electric line passes through the middle of the property. In the circumstances, the petitioner preferred this petition for the enhancement of compensation.

3. The 1st respondent entered appearance and filed objection contending as follows: The petition for additional compensation is not maintainable either in law or on the facts.

For the purpose of drawing 400 KV electric line as part of the construction of the Edamon-Kochi 400KV line, the respondents have cut and removed trees standing in the property of the petitioner after observing all the necessary formalities. The 1st respondent has paid full compensation towards trees and crops, land value towards the corridor area, and displacement allowance for curtailing the rights of property adjacent to the land where the electric line was drawn. 1st respondent has not acquired any land, but only the right of user in land was acquired for which compensation has been assessed and disbursed as per section 10 of the Indian Telegraph Act. The compensation claimed by the petitioner is exorbitant and exaggerated, and the 1st respondent is not liable to pay the same. The revenue officials have valued and assessed the compensation based on scientific data provided by the State Government. The respondent has paid compensation to the petitioner on the basis of the Package Compensation announced by the State Government, and hence petitioner is not entitled to get any additional compensation as claimed in the petition.

4. The 3rd respondent filed objection, contending that the 3rd respondent is not a necessary party in this petition and 3rd respondent is not liable to pay any compensation to the petitioner.

5. On the side of the petitioner, Exts.A1 and A2 were marked. On the side of the respondents, Exts.B1 to B5 were marked. The commission report and plans were marked as Exts.C1, C1(a) and C1(b).

6. The learned Counsels appearing for the petitioner and the respondents were heard.

7. The issues that arise for consideration are:

1. Is the petitioner entitled to get enhanced compensation for yielding trees?
2. Is the petitioner entitled to get enhanced compensation for the diminution of land value?
3. Reliefs and costs?

8. **Issue No. 1**:- To establish the case, Exts.A1 and A2 were marked from the side of the petitioner. Ext.A1 is the certificate for compensation for tree clearance dated 21.09.2018. Ext.B1 is the copy of the detailed valuation statement. As per Ext.A1 and Ext.B1 documents, the following

trees were cut and removed from the petitioner’s property.

Rubber	34 Nos.
Pepper	40 Nos.
Jackfruit	1 No.
Coconut	1 No.
Coffee	50 Nos.
Teak	1 No.
Anjili	12 Nos.
Mahagoni	15 Nos.
Jungle tree	2 Nos.
Vatta	1 No.
Perumaram	1 No.

8. Coming to the compensation awarded for yielding trees, it is useful to refer to the judgments of the Hon’ble Apex Court in S*haik Imambi v. Special Deputy Collector(LA), Telungu Ganga Project [2011 (11) SCC 639]*. In the said case, the Hon’ble Apex Court adopted a 10-year multiplier for determining compensation for yielding trees. So, as held by the Hon’ble Apex Court in the said case, it would be just and reasonable to adopt a multiplier of 10 for determining compensation for yielding trees.

9. Coming to the compensation awarded for rubber

trees, to draw electric line, the 1st respondent cut and removed 34 yielding rubber trees. However, the 1st respondent fixed compensation for the yielding rubber trees at ₹1,06,019.73 by fixing ₹115.3/- as the price for 1 kg of rubber.

10. In *Sudevan v. KSEB (CRP No. 451/2012 decided on 16.09.2015),* the Hon'ble High Court, after deducting expenditure towards maintenance, upkeep, and tapping expenses, fixed the annual yield from a rubber tree as 15 kg. In the present case also after deducting the expenditure towards maintenance, upkeep, and tapping expenses, 15 kg can be taken as the annual yield from each rubber tree. Ext.B1 would show that the 1st respondent took ₹115.3 as the price of 1 kg of rubber. Hence, ₹115.3 as fixed by the 1st respondent as per Ext.B1 can be taken as the price of 1 kg of rubber. So, by applying the multiplier 10, compensation payable for 34 yielding rubber trees would come to ₹5,88,030/- (34x115.3x15x10). Compensation already given for yielding rubber trees is ₹1,06,019.73. So, the enhanced compensation payable is:

₹5,88,030 – ₹1,06,019.73 = ₹4,82,010.27

11. Ext.B1 would show that 40 numbers of yielding pepper vines were cut down from the petitioner's property. Ext.B1 show that the respondent fixed the price for 1 kg of pepper as ₹358.9/-, and an amount of ₹77,393.2 was awarded as compensation. However, the petitioner contended that the compensation fixed by the 1st respondent was inadequate, and therefore, she is entitled to receive enhanced compensation for pepper vines. Considering the age of pepper vines, it would be just and reasonable to fix 5 kg of pepper as the annual yield from one vine after deducting the expenses for maintenance and upkeep of the said plant. The petitioner has not produced any document to establish the price of 1 kg of pepper during 2018. Ext.B1 would show that the 1st respondent took ₹358.9 as the price of 1 kg of pepper. Hence, ₹358.9 as fixed by the 1st respondent as per Ext.B1 can be taken as the price of 1 kg of pepper. So, by applying the multiplier 10, compensation payable for 40 pepper wines would come to ₹7,17,800/- (40x5x358.9x10). Compensation already given for the said

pepper vines is ₹77,393.2. The enhanced compensation payable is:

₹7,17,800 – ₹77,393.2 = ₹6,40,406.8

12. Coming to the compensation awarded for jackfruit tree, Ext.B1 would show that 1 yielding jackfruit tree was cut down from the property of the petitioner. As per Ext.B1 detailed valuation statement, the jackfruit tree was aged 30 years, and after fixing the price of each jackfruit as ₹50/-, the 1st respondent awarded compensation of ₹30,000/-. Considering the age of the jackfruit tree, it would be just and reasonable to fix 100 jackfruits as the annual yield from the said tree after deducting the expenses for maintenance and upkeep of the said tree. It is just and reasonable to fix ₹50/- as the price of each jackfruit. So, by applying the multiplier 10, compensation payable for 1 jackfruit tree would come to ₹50,000/-(100x1x50x10). Compensation already given for thejackfruit tree is ₹30,000/-. The enhanced compensation payable is:

₹50,000 – ₹30,000 = ₹20,000/-

13. Coming to the compensation awarded for the coconut tree, Ext.B1 shows that 1 yielding coconut tree was cut down and an amount of ₹16,894.43 was awarded as compensation for the above-mentioned tree. Considering the age of the coconut tree, it would be just and reasonable to fix 200 coconuts as the annual yield from the coconut tree after deducting the expenses for maintenance and upkeep of the said tree. The price of each coconut can be taken as ₹20.3/- as shown in Ext.B1. So, by applying a multiplier of 10, compensation payable for 1 coconut tree would come to ₹40,600/- (200x1x20.3x10). Compensation already given for coconut trees is ₹16,894.43. The enhanced compensation payable is:

₹40,600 – ₹ 16,894.43 = ₹23,705.57

14. Ext.B1 would show that 50 coffee plants aged 4 years were cut and removed from the petitioner's property. As per Ext.B1, the 1st respondent, after fixing ₹83/- as the price for 1 kg of Coffee and 28.13 kg as annual yield, paid ₹23,168.12/- to the petitioner. Considering the age of the said

plants, it would be just and reasonable to fix 5 kg of Coffee as the annual yield from each Coffee tree after deducting the expenses for maintenance and upkeep of the said plants. The petitioner has not produced any document to establish the price of 1 kg of Coffee during 2018. Ext.B1 would show that the 1st respondent took ₹83/- as the price of 1 kg of Coffee. Hence, ₹83/- as fixed by the 1st respondent as per Ext.B1 can be taken as the price of 1 kg of Coffee. So, by applying a multiplier of 10, the compensation that would have been awarded for 50 Coffee plants is ₹2,07,500/- (50x5x83x10). Compensation already awarded is ₹23,168.12/-. The enhanced compensation payable is:

₹2,07,500 – ₹23,168.12 = ₹1,84,331.88

15. Coming to the compensation awarded for teak, Ext.B1 would show that 1 teak tree aged 20 years was cut down from the petitioner's property. The 1st respondent awarded a total compensation of ₹1,600/- for the aforesaid tree. Considering the utility and potential of the teak tree, it cannot be said that the compensation awarded is adequate. So,

it would be just and reasonable to award ₹5,000/- for the teak tree aged 20 years. So, the compensation payable for 1 teak tree would come to ₹5,000/-. Compensation already paid is ₹1,600/-. So, the enhanced compensation payable is calculated as:

₹5,000 – ₹1,600 = ₹3,400/-

16. Coming to the compensation awarded for Anjili trees, Ext.B1 would show that 3 anjili trees aged 30 years, 1 anjili tree aged 35 years, 4 anjili trees aged 20 years and 4 anjili trees aged 10 years were cut down from the petitioner's property. The 1st respondent awarded a total compensation of ₹19,600/- for the aforesaid trees. Considering the utility and potentiality of anjili trees, it cannot be said that the compensation awarded is adequate. So, it would be just and reasonable to award ₹6,000/- for each anjili tree aged 35 years, ₹5,000/- for each anjili tree aged 30 years, ₹4,000/- for each anjili tree aged 20 years and ₹2,000/- for each anjili tree aged 10 years. So, the compensation payable for 12 anjili trees would come to ₹45,000/- [(6,000 x 1) + (5,000 x 3) + (4,000x4)+(2,000 x 4]. Compensation already paid is

₹19,600/-. So, the enhanced compensation payable is calculated as:

₹45,000 – ₹19,600 = ₹25,400/-

17. Coming to the compensation awarded for mahagoni trees, Ext.B1 would show that 13 mahagoni trees aged 12 years and 2 mahagoni trees aged 20 years were cut down from the petitioner's property. The 1st respondent awarded a total compensation of ₹15,680/- for the aforesaid trees. Considering the utility and potentiality of mahahgoni trees, it cannot be said that the compensation awarded is adequate. So, it would be just and reasonable to award ₹2,000/- for each mahagoni tree aged 12 years and ₹5,000/- for each mahagoni tree aged 20 years. So, the compensation payable for 15 mahagoni trees would come to ₹36,000/- [(2,000 x 13) + (5000 x 2)]. Compensation already paid is ₹15,680/-. So, the enhanced compensation payable is calculated as:

₹36,000 – ₹15,680 = ₹20,320/-

18. Coming to the compensation awarded for vatta tree, Ext.B1 would show that 1 vatta tree aged 15 years was cut and removed from the petitioner’s property and ₹525/- was

awarded as compensation. Considering the utility and potentiality of vatta trees, it cannot be said that the compensation awarded is sufficient. So, it would be just and reasonable to award ₹1,000/- for the vatta tree aged 15 years. Accordingly, the enhanced compensation payable is calculated as:

₹1,000 – ₹525 = ₹475/-

19. Coming to the compensation awarded for perumaram tree, Ext.B1 would show that 1 perumaram tree aged 15 years was cut and removed from the petitioner's property, and ₹1,200/- was awarded as compensation. Considering the utility and potentiality of the perumaram tree, it cannot be said that the compensation awarded is sufficient. So, it would be just and reasonable to award ₹2,000/- for a perumaram tree aged 15 years. Accordingly, the enhanced compensation payable is calculated as:

₹2,000 – ₹1,200 = ₹800/-

20. Coming to the compensation awarded for jungle trees, this court is of the considered opinion that the compensation awarded for the said trees is adequate. So, the

petitioner is not entitled to enhanced compensation for the said trees.

21. **Issue No.2**:- Coming to the compensation for diminution of land value, according to the petitioner, 18.10 ares of property comprised in re-sy. No. 408/3 of Njeezhoor village absolutely belongs to her. To establish her title over the said property, the petitioner produced Ext.A2 tax receipt pertaining to her property. According to the petitioner, the market value of the property at the relevant time was ₹2,00,000/- per cent, and by the drawing of 400 KV electric line across the said property, the land value has been diminished, and so she is entitled to compensation for the diminution of land value.

22. Ext.C1(a) plan submitted by the Commissioner would show that the electric line passes through the middle of the petitioner's property. The commissioner ascertained the affected area on both sides of the line corridor as plot A and plot B. The extent of plot A is 3.71 ares, and the extent of plot B is 4.78 ares. Even though the commissioner noted the line corridor area, the extent of the line corridor is not mentioned

in the plan. Ext.B5 is a copy of detailed valuation statement showing the displacement allowance to the land owners in the width of the right-of-way corridor. As per Ext.B5, the extent of the right-of-way corridor is 5.1 ares. So the total extent of the affected area is 13.59 ares (3.71 + 4.78 + 5.1). In this context, it is useful to refer to the judgment of the Hon'ble Apex Court in *K.S.E.B. V Livisha and others [2007 KLT(3) 1]*.

23. In the said case the Hon'ble Apex court held as follows:

> " The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used."

24. Coming to the case at hand electric line passes through the middle portion of the property. The total extent of petitioner's property affected by drawing of electric line is 13.59 ares. The said area cannot be used for any purpose for

which it was meant for, and due to the drawing of electric line, the market value of the petitioner's property has substantially diminished. Ext.C1 report and Ext.C1(a) plan would show that the electric line passes through the middle of the petitioner's property, and due to the drawing of the electric line, the property has been divided into two plots. So, the percentage of diminution of land value of the affected area can be taken as 50%.

25. Coming to the market value of the petitioner’s property, the petitioner has not produced any material to establish the market value of the petitioner's property. Ext.B5 would show that the fair value of the petitioner's property is ₹31,672.5 per are. As per Ext.C1 report petitioner's property has direct access to Pachapathickal – Kaduvakkuzhy panchayath road. It was also reported by the commissioner that Marangoozhy Govt UP School, SN Viswabharathy school and Govt. Veterinary Hospital are situated within a distance of 1 km from the petitioner's property. It was also reported that the petitioner's property is a residential plot. Considering the nature and lie of the property, it is just and reasonable to fix

₹1,00,000/- per cent as the market value of the property. Hence, the compensation payable for the affected area is ₹16,78,000/-(33.56Centsx1,00,000x50/100). The petitioner received ₹2,48,874/- towards land compensation. So, the enhanced compensation payable would be :

(₹16,78,000 – ₹2,48,874 = ₹14,29,126)

<u>Table of Enhanced Compensation Awarded</u>

Item	Enhanced amount awarded in Rupees
Rubber	4,82,010.27
Pepper	6,40,406.8
Jack fruit	20,000
Coconut	23,705.57
Coffee	1,84,331.88
Teak	3,400
Anjili	25,400
Mahagoni	20,320
Vatta	475
Perimaram	800
Jungle tree	Nil
Compensation for diminution of land value	14,29,126
Grand Total	**₹28,29,975.52**

26. **Issue No. 3**:-In the result,

1. The petitioner is entitled to realise the sum of **₹28,29,976/- (Rupees Twenty Eight Lakhs Twenty Thousand Nine Hundred and Seventy Six only)** as enhanced compensation from the 1st respondent with interest @ 8% per annum.
2. Admittedly, the trees were cut down on 21.09.2018, and hence the petitioner is entitled to realise 8% interest on the above amount from 21.09.2018.
3. The petitioner is allowed to realise the entire cost for the litigation from the 1st respondent.

Dictated to my Confidential Assistant, transcribed and typed by her, revised and corrected by me, and pronounced in open court, on this the 28th day of November, 2025.

Sd/-
Subash.S
Addl. District Judge -II (Spl.)
Kottayam.

A P P E N D I X:

Exhibits marked for the Petitioner:-

Ext.A1	21.09.2018	Certificate of compensation for tree clearance under Indian Telegraph Act.
Ext.A2	24.08.2023	True Copy of Tax Receipt.

Exhibits Marked for The Respondents:-

Ext.B1	05.10.2018	Copy of detailed valuation statement of damaged trees/crops under the construction of Edamon - Kochi power Transmission Line.
Ext.B2	NIL	Copy of Plan.
Ext.B3	21.09.2018	Copy of Certificate of compensation for the tree Clarence under the Indian Telegraph Act issued from Power grid Corporation of India Ltd.
Ext.B4	NIL	Acknowledgment Receipt from BIMS.
Ext.B5	01.01.2020	Copy of detailed valuation statement showing the displacement allowance to the land owners.

Court Exhibits:

Ext.C1	23.10.2025	Commission Report
Ext.C1(a)	23.10.2025	Plan
Ext.C1(b)	23.10.2025	Plan.

Witness Examined for the Petitioner: NIL.

Witness Examined for the Respondents:NIL.

Id/-
Addl.District Judge -II (Spl.)
Kottayam.

Copied By: //True Copy//
Compared By:

Sd/-
Subash.S
Addl. District Judge -II (Spl.)
Kottayam.