

KATK010005652018



**IN THE COURT OF II ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT TUMAKURU**

Dated this the 29th day of July 2026

Present : Smt. N.Narasamma., B.A.L., LL.B.,
II Addl. Dist & Sessions Judge,
Tumakuru.

Civil Mis. Petition No.55/2018

Petitioner:Smt. Lakshmamma
W/o Late Thimmanna,
Represented by her GPA
Sri. Bilva Kumar ,
S/o Late Thimmanna,
Aged 50 years,
Residing at Melukunte village,
Kasaba hobli, Sira Taluk,
Tumkur District - 572137

(By Sri. TR., Advocate)

- versus -

Respondent: 1. Kudagi Transmission Limited (KTL)
Represented by its General Manager,
No.38, Cubbon road, Bengaluru –
560001.

2. L & T Infrastructure Development
Project Limited (L and T IDPDL)
L & T Campus,
Rep by its Managing Director
(Power Transmission)
having its Registered office at
1st floor, TCTC Building,
Mount Poonamallee road,
Manapakkam, P.B. No.979
Chennai, Tamil Nadu-60008

(R-1 by Sri.SR.,Advocate,
R-2 exparte)

JUDGMENT

This is a petition filed by the petitioner u/Sec.16(3) of the Indian Telegraphic Act 1885 for enhancement of compensation.

2. The brief facts of the petitioner's case are that;

The GPA holder of the petitioner is the title, lawful owner and possession over the schedule property bearing Sy.No.16/2, khata No.61 measuring 1

acre 4 guntas situated at Melukunte village, Kasaba Hobli, Sira Taluk, Tumakuru District of wet land and the petitioner is cultivating and growing the crops such as Ragi paddy and other crops. The respondents built up 765 KV D/C (Hexa Zebra) Electricity high voltage line and tower in the land measuring 1 acre including corridor place of the land which is measuring 1 acre 4 guntas. And the respondents have destroyed the crops grown in the land i.e., Ragi and Paddy belongs to the petitioner and the respondents have given meager compensation. Hence this petition.

3. After issuance of notice the respondent No.2 has not appeared before the court and he was placed ex parte and respondent No.1 appeared before the court and filed the objections by contending that they have legally paid the compensation as per the enactment and D.C. order. And the petition is not maintainable either in law or on facts and the petitioner has received the compensation without any

protest and the respondent has executed the work strictly in accordance with Electricity Act and paid the compensation and the D.C. Tumakuru held joint meeting on the representation of the farmers union in respect of fixation of the compensation in which the Deputy Commissioner, with the consent of farmers, has fixed the compensation after obtaining reports from the concerned departments and thereafter they have paid the compensation to the petitioner. And there is no any illegality or mistake done by the respondent in paying the compensation to the petitioner. On these grounds the respondent No.1 prayed to dismiss the petition.

4. During the course of trial the petitioner himself examined as P.W-1 and got marked 15 documents as Ex.P-1 to P-15 in support of his contention and closed his side of evidence. On the other hand, Manager of respondent company got examined as RW.1 and got exhibited 11 documents Ex.R.1 to R.11.

5. Heard both counsels. Perused the petition, objections as well as the evidence placed before the Court.

6. The following points arise for my consideration:

1. Whether the compensation paid by the respondents to the petitioner is sufficient and in accordance with law?

2. If not what is the compensation to which the petitioner is entitled to?

3. What order?

7. My answer to the above points are as follows:

Point No.1 : Partly in the Affirmative

Point No.2: Partly in the Affirmative

Point No.3 : As per final order
for the following:

REASONS

8. **Point No.1 & 2:-** As these points are interconnected to each other they are taken up

together for common discussion to avoid repetition of facts.

9. It is not in dispute that the respondent drawn 765 KV D/C (Hexa Zebra) Electricity high voltage line and tower in the land measuring 1 acre including corridor place of the land which is measuring 1 acre 4 guntas. And the respondents have destroyed the crops grown in the land i.e., Ragi and Paddy belongs to the petitioner and the respondents have given meager compensation of Rs.1,12,500/- on 19.02.2015 and 31.08.2015 as temporary compensation to Ragi and paddy. It is also not in dispute that the petitioner received the compensation from the respondent without any protest. It is an admitted fact that the D.C. has fixed the land of 1 acre at Rs.2,00,000/- as per the order dated 06.08.2015. But according to the petitioner, the value of the petitioner was more-than the value fixed by the D.C. No doubt the petitioner in support of his petition got examined himself as PW.1 and produced documents

at Ex.P.1 to P.15. Ex.P.1 is the GPA, Ex.P.2 is the RTC extract, Ex.P.3 is the MR Extract, Ex.P.4 is the Notice, Ex.P.5 is the payment receipt, Ex.P.6 is the D.C.order, Ex.P.7 is the photo, Ex.P.8 is the Sub Registrar Valuation, Ex.P.9 is the Aadhar card, Ex.P.10 is voter I.D., Ex.P.11 is C.D., Ex.P.12 is the letter, Ex.P.13 is the Yield letter, Ex.P.14 is certificate and Ex.P.15 is price list. On perusal of Ex.P.8 i.e., the valuation given by the Sub-Registrar, wherein the Sub-Registrar has mentioned that the value of the property i.e., dry land Rs.1,08,000/- per acre the value of bhagaythu wet land is Rs.2,69,000/- per acre and wet land is Rs.1,54,000/- per acre. The valuation given by Sub Registrar is dated 15.11.2017. But the respondents drawn the electricity lane in the land of petitioner during the year 2013. And Ex.P.8 does not speak about the year of valuation pertaining to the property of petitioner. So, the document at Ex.P.8 does not help the petitioner in proving the value of the petitioner's land on the date

of drawing electricity line through the land of petitioner.

The Hon'ble High Court of Karnataka in the case of Executive Engineer, KPTCL V/S Doddakka in ILR 2015 KAR. 677 while dealing with grant of compensation u/s 10 & 16 of Telegraphic Act has held that;

"It cannot be disputed that drawing up of high voltage electrical line through any property by the petitioners in exercise of the powers conferred on them u/Sec.10 of the Indian Telegraph Act 1885, would result in damage to the value of the property, apart from causing damage to the standing trees. It is for this reason provision has been made u/Sec.10(d) of the Act, requiring the Telegraph authority to do as little damage as possible and shall pay full compensation to all persons interested for any damage sustained by them by reason of exercise of those powers by the telegraph authority. It is also evidence from Sec. 11 of the Act that the Telegraph

authority has got the power to enter on the property in order to repair or remove the telegraph lane or both and for the purpose of examining, repairing, altering or removing the same at any time. Sec. 16(3) of the Act, provides for the forum, namely the court of the District Judge within whose jurisdiction and property is situated to determine any dispute to be paid u/s. 10(d) of the Act. It is thus clear from the afore mentioned provisions that, a farmer who suffers damage to his crop and to the land on account of drawing up of transmission lane over or across his land is entitled for payment of 'full compensation'. The expression full compensation used in Sec.10(d) of the Act has to be understood as just equivalent of which the owner has been deprived of including in the matter of demerit in the value of the land on account of drawing up of overhead power line across the land."

Keeping in mind the principles of law laid down in the decision referred above, now let me examine

the case on hand as to whether the respondent has paid full compensation to the petitioner towards the damages sustained by him.

10. Regarding the corridor is concerned the respondent has paid compensation to the petitioner as per the order of D.C. in which the D.C. has fixed Rs.2,00,000/- per acre as compensation towards the corridor. And the value fixed by the D.C., has to be relied upon because, the respondent has not acquired the land but it has only drawn the electricity lane through the petitioner's land. So, Ex.P.1 to P.9 are not the authenticated cogent and convincing evidence to show that as on the date of drawing electricity lane over the petitioner's land, the value of petitioner's land was more than Rs.2,00,000/- per acre. Hence, I hold that compensation paid by the respondent in respect of corridor area of petitioner is just and proper.

11. According to the petitioner the respondent at the time of drawing electricity lane, has removed

Ragi and Paddy crops and paid meager compensation. Hence, in the interest of justice and equity, the court feels it proper to enhance Rs.20,000/- for Ragi crop and Rs.20,000/- for paddy.

12. Coming to the rate of interest in view of decision of Hon'ble High Court of Karnataka in the aforesaid cases in the prescribed rate of interest for which the petitioner is entitled is at 8% per annum on the compensation amount from the date of the respondent issuing cheque. The petitioner is entitled for interest at the rate of 8% p.a. from the date of issuing cheque. Hence I answer point No.1 & 2 **Partly in Affirmative.**

13. **Point No.3:-** For the foregoing reasons on point No.1, I proceed to pass the following;

ORDER

The petition is partly allowed.

The petitioner is entitled for enhanced compensation of Rs.20,000/- in respect of Ragi crop and Rs.20,000/- in respect of Paddy with

interest at 8% p.a., from the date of petition till payment.

Respondents are directed to pay compensation amount along with accrued interest within sixty days from today.

The entire awarded compensation with interest shall be paid to the petitioner, after deposit.

Draw an award accordingly.

Advocate fee is fixed at Rs.500/-.

(Dictated to the Stenographer, computerized transcript revised and then pronounced by me in the open Court on this the 29th day of July 2026).

(N.Narasamma)

II Addl. Dist & Sessions Judge,
Tumakuru.

ANNEXURE**List of witnesses examined for the petitioners:**

PW-1 : Lakshmamma

List of documents marked for the petitioners:

Ex.P.1 - GPA,
Ex.P.2- RTC extract,
Ex.P.3- MR Extrat,
Ex.P.4 - Notice,
Ex.P.5 - Payment receipt,
E.xP.6 - D.C.order,
Ex.P.7 - Photo,
Ex.P.8 - Sub Registrar Valuation,
Ex.,P.9 - Aadhar card,
Ex.P.10 - Voter I.D.,
Ex.P.11 - C.D.,
Ex.P.12- Letter,
Ex.P.13 - Yield letter,
Ex.P.14 - Certificate and
Ex.P.15 - Price list.

List of witnesses examined for the respondent:

RW.1 : Ojes C. Madappattu.

List of documents marked for the respondent:

Ex.R.1- True copy of compensation paid
Ex.R.2- True copy of notice/agreement
Ex.R.3- True copy of order of D.C.
Ex.R.4- True copy of RTC
Ex.R.5- True copy of compensation receipts

- Ex.R.6- True copy of cheque 8 copies
- Ex.R.7- True copy of bank statement 4 copies
- Ex.R.8- True copy of Canara bank passbook
- Ex.R.9- True copy of bank passbook
- Ex.R.10- True copy of Identity card 2 copies
- Ex.R.11- True copy of Aadhar card.

**II Addl. Dist & Sessions Judge,
Tumakuru.**