



IN THE COURT OF VI ADDL. DISTRICT AND SESSIONS JUDGE
AT TUMAKURU

PRESENT : Smt.Shilpa K.S

BA.L., LL.M.,
VI Addl. District and Sessions Judge,
Tumakuru

Dated this the 16th day of July, 2026

Civil Mis.105/2018

Petitioner : Shivaramanna @ Shivaramu,
S/o. Late Mudalappa, A/a. 55 years,
R/o Channanakunte Village & Post,
Kasaba Hobli, Sira Taluk, Tumkur District.

(By Sri.K.R., Advocate)

V/s

Respondents: KUDGI Transmission Limited (KTL)
No.38, Cubbon Road,
Bengaluru-560 001.

(By Sri. S.R., Advocate)

ORDERS

The petitioner has filed this petition under section 16(3) of Indian Telegraphic Act 1885 and U/s 19 of Electricity Act for enhancement of compensation.



2. It is the case of petitioner that he is the owner of land bearing Sy.No.25/8 measuring 1.39 guntas situated at Channanakunte village. In order to construct 765 KV line from Narendra-Madhugiri line the respondent has installed overhead line over the land of petitioner to the extent of 20 guntas of land of petitioner. During the course of drawing the line, the authorities of respondent have cut and removed 02 neem trees, 02 avenue trees and damaged to the groundnut crops and paid meager compensation. That the respondent have undervalued the land and the value of trees was not calculated on the basis of actual yield and income per year and compensation paid is not in accordance with law. He has received the compensation from the respondent. Being not satisfied with the compensation awarded by the respondent, the petitioner has filed this petition for enhancement of compensation.



3. After service of notice on the respondent they have appeared before this court through their counsel and filed objections.

4. The averments of the objections are as under :-

The petition filed by the petitioner praying for grant of additional compensation for the alleged loss of land, trees as a result of drawing of transmission lines by the respondent is not maintainable as the petitioner had received the compensation without protest and petition is barred by time. That the Ministry of Power, Government of India intend to establish a transmission system required for evacuation of power from Kudgi TPS based on competitive bidding process. Accordingly the Ministry of power, Government of India vide notification No.15/01.2011-Trans dt.08.10.2012 notified REC Transmission projects company limited as the bid process co-ordinator for the purpose of selection of bidder as transmission service provide. Subsequently the Ministry of power, Government of India vide its notification



No.11/1/2012-PG (RECITPCLNTPC) dt.09.07.2013 had approved the transmission system required for evacuation of power. That KTL received the letter of intent on 31.07.2013 by REC for establishing the transmission system required for evacuation of power from Kudgi TPS. In this regard order dt.07.01.2014 the central Electricity regulatory commission CERC has granted licence to KTL to transmit electricity for the project. In addition Ministry of power, Government of India, vide letter No.11/12/2014-PG dt.22.05.2014 conferred KTL with all powers U/s 164 of Electricity Act. The said approval also confers right on KTL to place transmission lines in any private property. That pursuant to obtaining requisite approvals and licence KTL had duly completed the project. That the project is a first of its kind and involved laying and commissioning of transmission lines for a stretch of 493 kms. The KTL had completed the entire construction to the satisfaction of board. That the state of Karnataka is the major beneficiary obtaining 1196.24 MW of the power transmitted



out of the project which is duly catering to the power requirements. The section 67(4) of the Electricity Act is an independent authority which confers upon the appropriate commission to decide the disputes including the amount of compensation arising U/s 67(3) of the Act. In the instant case the work of laying down the electric supply lines undertaken by the respondent all within section 67(1)(d) of the Act which provides to lay down and place electric plant and other works. Therefore the transmission lines being set up by the respondent would clearly fall within the definition of electric plant which would squarely covered U/s 67(1)(d) of the Act. When such works are covered by section 67(1)(d) of the Act the dispute arising from laying down of those transmission lines would also be squarely covered by section 67(4) of the Act. The respondent company erected the electrical lines on the petitioner's land and paid compensation as per the notification. The respondent company had assessed the damage caused to the petitioner from the erection of



electrical line and transmission towers under the Act. The Deputy commissioner, Tumakuru have held the joint meeting of the farmers and union in respect of fixing the compensation. In the said meeting with the consent of farmers fixed compensation by obtaining reports from Horticulture, agriculture and forest departments. The said order was not challenged before any authorities. The petitioner is one of the beneficiary of the said order and received the total compensation amount of Rs.5,34,490/- through various cheques of different dates, all drawn on Bank of India. The petitioner has received the said amount with consent and without protest. The petitioner has no right to file this petition. This petition is filed only to extract the amount from the respondent. The compensation amount was received in the year 2015 and this petition is filed in the year 2018 and hence the petition is time barred. Hence, they prayed for dismissing the petition.



5. During the course of trial, the petitioner and another witness were got examined as PW.1 and 2 and got marked 18 documents as Ex.P.1 to 18 and closed his side.

On the other hand, Manager, construction of the respondent got examined as RW.1 on behalf of respondent and got marked 10 documents at Ex.R.1 to R.10 and closed their side.

6. Heard both sides. Both the petitioner and respondent have filed written arguments.

7. The following points that arises for my determination:

- 1) Whether the petition is barred by time?
- 2) Whether the petition is not maintainable in view of the receipt of compensation by the petitioner without protest?
- 3) Whether the compensation paid by the respondent to the petitioner is sufficient and in accordance with law?
- 4) If not, what is the compensation to which the petitioner is entitled to?
- 5) What Order?



8. My answer to the above points are as under:

Point No.1 : In the negative

Point No.2 : In the negative

Point No.3 : In the negative

Point No.4 : In the negative

Point No.5 : As per final order, for the following:

REASONS

9. **Point No.1** : It is the case of respondent that the petition is barred by limitation. In this regard, no specific provision is mentioned either in the objection or in the evidence of RW.1. Even no documents produced in this regard to show how the petition is barred by time.

10. The Hon'ble Supreme Court in the case **of Kerala State Electricity Board v/s T.P. Kunhaliumma, (1976) 4 SCC 634** has held that the District Judge under the Telegraph Act act as a civil court in dealing with applications under Section 16 of the Telegraph Act and Article 137 of Limitation Act is applicable. The provisions in the Telegraph Act which



contemplate determination by the District Judge of payment of compensation payable under Section 10 of the Act indicate that the District Judge acts judicially as a court. Where by statutes matters are referred for determination by a court of record with no further provision the necessary implication is that the court will determine the matters as a court. The statute makes the reference to the District Judge as the Presiding Judge of the District Court. In many statutes reference is made to the District Judge under this particular title while the intention is to refer to the court of the District Judge. The Telegraph Act in Section 16 contains intrinsic evidence that the District Judge is mentioned there as the court of the District Judge. Section 16(4) of the Telegraph Act requires payment into the court of the District Judge such amount as the telegraph authority deems sufficient if any dispute arises as to the persons entitled to receive compensation. Again, in Section 34 of the Telegraph Act reference is made to payment of court fees and issue of



processes both of which suggest that the ordinary machinery of a court of civil jurisdiction is being made available for the settlement of these disputes. Section 3(17) of the General Clauses Act states that the District Judge in any Act of the Central Legislature means the judge of a principal civil court of original jurisdiction other than the High Court in the exercise of its original civil jurisdiction, unless there is anything repugnant in the context. In the Telegraph Act there is nothing in the context to suggest that the reference to the District Judge is not intended as a reference to the District Court which seems to be the meaning implied by the definition applicable thereto. The District Judge under the Telegraph Act acts as a civil court in dealing with applications under Section 16 of the Telegraph Act.

11. The changed definition of the words “applicant” and “application” contained in Sections 2(a) and 2(b) of the 1963 Limitation Act indicates the object of the Limitation Act to include petitions, original or otherwise, under special laws.



The interpretation which was given to Article 181 of the 1908 Limitation Act on the principle of ejusdem generis is not applicable with regard to Article 137 of the 1963 Limitation Act. Article 137 stands in isolation from all other articles in Part I of the third division. This Court in Nityananda Joshi case has rightly thrown doubt on the two-Judge Bench decision of this Court in Athani Municipal Council case where this Court construed Article 137 to be referable to applications under the Civil Procedure Code. Article 137 includes petitions within the word “applications”. These petitions and applications can be under any special Act as in the present case.

12. The conclusion is that Article 137 of the 1963 Limitation Act will apply to any petition or application filed under any Act to a civil court. The article 137 of the 1963 Limitation Act is not confined to applications contemplated by or under the Code of Civil Procedure. The petition in the present case was to the District Judge as a court. The petition was one contemplated by the Telegraph Act for judicial



decision. The petition is an application falling within the scope of Article 137 of the 1963 Limitation Act.”

13. The time prescribed under Article 137 of Limitation Act for filling an application or petition is three years from the date when the right to apply accrues. In the present case, on 01.12.2015 notice was issued to the petitioner as per Ex.R.4. Therefore, for the purpose of calculating the period of limitation, the date on which the notice was issued to the petitioner is to be taken in to consideration. As per Ex.R.4 on 01.12.2015 notice was issued to the petitioner. So, the right to apply was accrued to the petitioner on 01.12.2015. This petition has been filed on 22.02.2018 i.e., within time.

14. Further the petitioner has relied upon decision reported in (1976) 4 SCC 634 – Kerala state electricity board V/s T.P.Kunhaliumma – It is observed that article 137 of limitation Act is not to be construed as ejusdem generis. Hence, relying upon the said judgment and from the above



finding I am of the view that this petition is not time barred.

Accordingly, **point No.1 is held in negative.**

15. **Point No.2** The respondent has taken up a contention that this petition is not maintainable as the petitioner had received the compensation without protest. This question has already been considered and settled by the Hon'ble supreme court in the case of **Kerala State Electricity Board v/s Ulahannan Markose reported in (1969) 1 SCWR 645 wherein it is stated that the** dispute contemplated by section 16(3) of the Indian Telegraph Act was a dispute which should have arisen before the telegraph authority at the time of payment and if no dispute was raised at the time of payment it was not open to the respondent to file an application under section 16(3). There is nothing in the language of section 16(3) to suggest that the dispute about the sufficiency of compensation must be raised at the time of payment. On the other hand, there is no restriction of limitation in the section as to when the dispute should have



arisen. The only condition therefore for the competence of an application under section 16(3) is that the dispute should have arisen at any time before the date of filing of the application. On behalf of the appellant stress was laid on expression "to be paid" in section 16(3) and it was said that the compensation contemplated in the sub-section was not the compensation actually paid but it was the compensation that was to be paid in the future. It was argued that the dispute regarding such amount to be paid in future must have arisen earlier and it could therefore arise only at the time of payment by the telegraph authority. We do not think that this argument is right. The expression "to be paid" does not necessarily mean that the amount should be paid in future. The expression only means compensation "payable" under Section 10(b) We are hence unable to accept the argument of the appellant that by accepting the compensation amount without protest the respondent has lost his right of filing the application under section 16(3). It was also contended that



unless there was a protest in writing by the respondent he was not entitled to apply to the court under section 16 of the Act for enhanced compensation. In our opinion, there is no substance in this argument. There is nothing in the language or in the context of section 10 or section 16 of the Telegraph Act to suggest that written protest should be made by the recipient and we see no reason for putting any such restriction on the language of the statute."

16. Thus, it becomes clear that there is nothing in the language or in the context of Section 10 or Section 16 of the Telegraph Act to suggest that written protest should be made by the recipient. By applying the principles of law lay down in the decision *supra*, I hold that petition is maintainable even though the petitioner has received the compensation without protest. Hence, point No.2 is held in the **negative**.

17. **Points No.3 & 4:** As these two points are interconnected to each other, they are taken up together for common discussion to avoid repetition of facts.



As observed earlier, the petitioner in order to prove his case has got examined himself as PW.1 by reiterating all the averment of the petition in his affidavit. In his cross examination he has admitted that,

“ಎದುರುದಾರರು ನನಗೆ ನೋಟೀಸನ್ನು ನೀಡಿದ್ದರು ಎಂದರೆ ಸರಿ. ಚೆಕ್ ಮೂಲಕ ನನಗೆ 2014 ರಲ್ಲಿ ಪರಿಹಾರದ ಹಣವನ್ನು ನೀಡಿರುತ್ತಾರೆ ಎಂದರೆ ಸರಿ. ಯಾವ ದಿನಾಂಕದಂದು ಮತ್ತು ಎಷ್ಟು ಮೊತ್ತದ ಚೆಕ್‌ನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತೇನೆ ಎಂದರೆ ಸಾಕ್ಷಿಯು ದಿನಾಂಕ ನೆನಪಿಲ್ಲ, ಆದರೆ ರೂ.3,70,000/- ಪರಿಹಾರದ ಚೆಕ್‌ನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತೇನೆಂದು ನುಡಿಯುತ್ತಾರೆ. ಜಮೀನಿನ ಪಹಣಿ ಮತ್ತು ಮ್ಯಾಟೇಷನ್ ಈಗಲೂ ಸಹ ನನ್ನ ಹೆಸರಿನಲ್ಲಿದ್ದರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಜಮೀನಿನಲ್ಲಿ ಈಗಲೂ ಸಹ ಸಂಪೂರ್ಣವಾಗಿ ಸ್ವಾಧೀನದಲ್ಲಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿ. ನನ್ನದು ಖುಷಿ ್ಯ ಜಮೀನು ಎಂದರೆ ಸರಿ. ನನ್ನ ಜಮೀನಿನಲ್ಲಿ ರಾಗಿ, ತೊಗರಿ, ಶೇಂಗಾ ಬೆಳೆಗಳನ್ನು ಬಿಟ್ಟು ಬೇರೆ ಬೆಳೆಗಳನ್ನು ಬೆಳೆಯುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಮರಗಳು ಇರುವ ಬಗ್ಗೆ ನಾನು ಯಾವುದೇ ದಾಖಲಾತಿಯನ್ನು ಹಾಜರುಪಡಿಸಿಲ್ಲ ಎಂದರೆ ಗೊತ್ತಿಲ್ಲ.”

18. Further the petitioner in support of his case has got examined the PW.2 who had deposed that during the pendency of this petition his father and his brothers have effected partition and 19.12.00 guntas fell into the share of his father. The same was effected in RTC also.



19. The PW.2 in his cross examination has admitted that, "ಎದುರುದಾರರು ನೀಡಿದ ಪರಿಹಾರದ ಮೊತ್ತ ನನ್ನ ತಂದೆಯ ಹೆಸರಿಗೆ ಬಂದಿರುತ್ತದೆ. ನೋಟೀಸು ಸಹ ನನ್ನ ತಂದೆಯ ಹೆಸರಿಗೆ ಬಂದಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ನೋಟೀಸು ಬರುವ ಮುಂಚೆಯೇ ನಾವುಗಳು ವಿಭಾಗ ಮಾಡಿಕೊಂಡಿದ್ದು, ಆ ನಂತರ ಖಾತೆ ಮಾಡಿಸಿಕೊಂಡಿರುತ್ತೇವೆ. ನಾವು ಮಾಡಿಕೊಂಡ ವಿಭಾಗ ಪತ್ರವನ್ನು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ."

20. Even though the PW.2 was got examined but he has not produced the said partition deed which took place in between his father and his brothers. Even there are no sufficient documents to show that the petitioner and his family are the owners of only 19.12.00 guntas land as deposed by the PW.2. The PW.2 had agreed that prior to the construction of line the partition took place and if so then what prevented them to inform the same to the competent authority. Admittedly the respondent have paid compensation for the whole 20 guntas over which the line was laid. Even there are no sufficient documents to show in whose share the said line was drawn. Hence the oral evidence of PW.2 is not helpful to the petitioner.



21. Further the manager construction of the respondent was got examined himself as Rw.1 by reiterating all the averments of the objections in his affidavit. Even though he was cross examined but nothing could be elicited in favour of the petitioner.

22. The Hon'ble High court of Karnataka in the case of **Executive Engineer, KPTCL v/s Doddakka: ILR 2015 Kar 677** while dealing with the grant of compensation under section 10 and 16 of Telegraph Act, has held as 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 under Section 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 under Section 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 evident from Section 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 line or both and also for the purpose of examining, repairing, altering or removing the same at any time. Section 16(3) of the Act, provides for the Forum, namely the Court of the District Judge within whose jurisdiction the property is situated to determine any dispute concerning sufficiency of compensation to be paid under Section 10(d) of the Act. It is thus clear from the aforementioned provisions that, a farmer who suffers damage to his crop and to the land on account of drawing up of transmission line over or across his land, is entitled for payment of 'full compensation'. The expression full compensation used in Section 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 diminution in the value



of the land on account of drawing up of overhead power line across the land.”

23. Keeping in mind the principles of law lay down in the decision referred to above, now let me examine the facts of the present case as to whether the respondent has paid full compensation to the petitioner towards the damage sustained by him or not.

24. The PW.1 in support of his case has got marked the notice, compensation receipt, RTC, aadhar card, notification, price and yield certificates, guidelines, ration card, sale deeds, judgment and award in C.Mis.5001/2016, orders in C.R.P.No.1055/2011 as per Ex.P.1 to 18. Likewise the RW.1 has got marked JMC report, copy of notice, orders of District Commissioner, aadhar card of the petitioner, copy of pass book, payment receipts, copy of cheques and statement of account as per Ex.R.1 to 10. So on perusal of these documents it is clear that already compensation amount is paid.



25. Even it is not under dispute that the said land was utilized by the respondent and paid compensation. Even it is true that the respondent has drawn the electric line over the land of petitioner. According to the petitioner, the respondent has paid meager compensation and the compensation now paid is not in accordance with law and in accordance with the present market value.

26. It is the case of petitioner that compensation was not calculated by the respondent based on actual yield and income per year in respect of the trees cut and removed from his land and as such the compensation awarded in respect of trees is inadequate. On the other hand, the respondent has contended that the compensation was assessed on the basis of reports received from the concerned officers and as such the compensation awarded in favour of petitioner is in accordance with law. In the case of T.Girithimmaiah V/s K.E.B., Bangalore reported in AIR 1999 KAR 32, Hon'ble High Court of Karnataka has held that while



fixing the compensation in respect of fruit bearing trees, net annual yield shall be multiplied by relevant multiplier and capitalization method shall be adopted.

27. Further the petitioner has alleged that the respondent have not paid any compensation towards diminution in value of the land of the petitioner. In this regard the petitioner has relied upon judgments Civil.misc.76/2016 which was rendered by the another District judge and that judgment is not binding on this court. Further the petitioner has relied upon judgment in W.P.No.26390/2018, W.P.No.17119/2021, ILR 2015 Kar 677 wherein honorable high court of Karnataka have observed that separate and adequate compensation with respect to the trees when it is removed has to be awarded and 30% market value to be considered.

28. Hence relying upon the above judgments and if it is applicable to the present case on hand admittedly the respondent have laid line over 20 guntas of land and awarded



compensation based upon the orders of the D.C . It is true that the petitioner has got marked the sale deeds to show the market value of the lands near his land. But it is pertinent to note that those lands were sold and the possession is handed over to the purchasers. But in the instant case still the possession of the said land is with the petitioner and the respondent has awarded compensation when the line was drawn. Hence the said market value as shown in the sale deeds could not be considered.

29. It is true that in the decision relied upon by the petitioner the honorable apex court have considered Rs.5,000/- per gunta and 30% of the market value. So even as per orders of D.C they have considered the diminution value of land at Rs.5,000/- per gunta and awarded the compensation as could be seen from the receipt and notices. Hence, I am of opinion that the respondent has awarded the land value properly and the petitioner is not entitled for compensation under the head of diminution in market value.



30. Further with respect to cut and removal of the trees and damage to the crops it is noticed that only one neem tree and damage to the onion crop took place when the line was drawn. In this regard the respondent have awarded total amount of Rs.5,34,490/- compensation to the petitioner. Hence under these circumstances I found no ground to enhance the compensation as claimed. Accordingly, **points No.3 and 4 are held in the negative.**

31. Point No.5 : In view of the discussion made above, I pass the following:

ORDER

The petition is dismissed with costs.

Advocate fee is fixed at Rs.500/-.

Draw award accordingly.

(Dictated to the Stenographer Grade -1 directly on computer got typed by her, printout taken by he, corrected, signed and then pronounced on this the 16th day of July, 2026)

(SHILPA. K.S)
VI Addl. Dist. and Sessions Judge,
Tumakuru.



ANNEXURE

1. List of witnesses examined for the petitioner :

PW.1 : Shivaramanna
PW.2 : Sriranga C.S.

2. List of documents marked for the petitioner :

Ex.P1 : Notice
Ex.P2 : Compensation payment receipt
Ex.P3 : Pahani of S.No.25/8
Ex.P4 : Pahani of S.No.25/14
Ex.P5 & 6 : N/c. Of Aadhar card
Ex.P7 : Gazette notification copy
Ex.P8 : C/c. Estimation and valuation of malkies
Ex.P9 : C/c. Price list of commercial crops
Ex.P10 : Guidelines
Ex.P11 : Notification
Ex.P12 : N/c. Ration card
Ex.P13 : Digital copy of sale deed dated 1.2.2021
Ex.P14 : C/c. Order in C.Misc.5001/2016
Ex.P15 : C/c. Award in C.Misc.5001/2016
Ex.P16 : C/c. Order sheet in C.Misc.5001/2016
Ex.P17 : C/c. Order dated 9.7.2018
Ex.P18 : C/c. Order in CRP. 1055/2011

3. List of witnesses examined for the respondents :

RW.1 : Ojes C. Madappattu

4. List of documents marked for the respondents :

Ex.R.1 : Compensation towards land and malkies
Ex.R.2 : Order of DC



Ex.R.3 & 4	:	Notices
Ex.R.5	:	Loss certificate
Ex.R.6	:	N/c. Aadhar card of petitioner
Ex.R.7	:	Copy of bank passbook of petitioner
Ex.R.8	:	5 payment receipts
Ex.R.9	:	8 cheque copies
Ex.R.10	:	Bank account details.

**VI Addl. Dist. and Sessions Judge,
Tumakuru.**