



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

Dated this the 10th day of June, 2026

PRESENT : Smt.Shilpa K.S

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

Civil Mis.240/2017

Petitioner : Peddaiah, Dead by Lrs.,

- a) Siddamma, W/o. Late Peddaiah,
A/a. 63 years,
- b) Doddaramaiah, S/o. Late Peddaiah,
A/a. 43 years,
- c) Jayamma, D/o. Late Peddaiah,
W/o. Late Chikkanna, A/a. 37 years,
- d) Nagendra, S/o. Late Peddaiah, A/a. 35 years,
- e) Rathnamma, D/o. Late Peddaiah,
W/o. Rajanna, A/a. 30 years,

All are R/at Jodidevarahalli, Bramhasandra
post, Kallambella Hobli, Sira Taluk.

(By Sri.T.S.H.P., Advocate)

V/s

Respondents: 1. The Superintendent Engineer,
KPTCL, Kothithopu Road,
Tumakuru Town, Tumakuru.



2. Executive Engineer (Elect.)
Bruhath Kamagari Vibaga, KPTCL,
Kothithopu. Tumakuru.
3. Assistant Executive Engineer (Elect.)
No.2, Bruhath Kamagari Vibhaga,
KPTCL, Tumakuru.

(R1 – Exparte,
R2 & R3 by Sri. M.S.S., Advocate)

ORDERS

The petitioner has filed this petition under section 19 of Indian Electricity Act r/w 13 of Indian Telegraphic Act for enhancement of compensation.

2. It is the case of petitioner that one Peddaiah was the absolute owner of the land bearing Sy.No.24 measuring 3 acres of land situated at Jodidevarahalli village. That after his death the petitioners become the absolute owners of the said land. In order to transmit electricity, the respondent has drawn 400 KV electric line over the land of petitioner. During the course of drawing the line, the authorities of respondent have cut neem, honge, tamarind trees and paid meagre 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. They have 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 No.1 had not appeared before this court and hence they were placed absent. However the respondents No.2 and 3 have appeared before this court through their counsel and respondent No.3 have filed objections.

4. The averments of the objections of the respondent No.3 is 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.



The claim of the compensation is highly exorbitant. The compensation of Rs.75,000, Rs.12,500 and Rs.95,000 were paid towards drawing line and damages to the crops to the petitioners as a full and final settlement and there is no cause of action to file this petition. Hence, they prayed for dismissing the petition.

5. During the course of trial, the petitioner No.1(3) has got examined herself as PW.1 and got marked 05 documents as per Ex.P.1 to 05 but did not concluded her chief examination.

By way of rebuttal the respondents No.2 and 3 have not adduced any evidence.

6. Heard the counsel for respondents No.2 and 3. However the petitioners inspite of providing several opportunity did not argued and hence their arguments is taken as not addressed.

7. The following points that arises for my determination:



1) Whether the compensation paid by the respondent to the petitioners are sufficient and in accordance with law?

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

3) 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 : As per final order, for the following:

REASONS

9. **Points No.1 & 2:** As these two points are inter connected to each other, they are taken up together for common discussion to avoid repetition of facts.

As observed earlier, the petitioner No.1(c) has got examined herself as PW.1 by reiterating all the averments of the petition in her affidavit. It is pertinent to note that the PW.1 has not concluded her chief examination and hence the



chief and cross examination of PW.1 was taken as nil. Even the respondents No.2 and 3 did not adduced any evidence.

10. 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 her 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."

11. 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 petitioners, the respondents have paid meager compensation and the compensation now paid is not in accordance with law and in accordance with the present market value.

12. It is the case of petitioners 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.

13. Further the petitioners have alleged that the respondents have not paid any compensation towards diminution value of the land of the petitioner. Except stating that respondents have not paid any compensation towards the land, the petitioner has not stated anything about the extent of land in which the respondents have drawn electric line and market value of the land as on the date of drawing electric line. Further, the petitioner has not produced any document showing the market value of his land as on the date of drawing Electric line over the land, so as to award compensation under the head of diminution in value. Hence, the petitioners are not entitled for compensation under the head of diminution in market value.

14. Further the PW.1 has got marked requisition, compensation receipt, receipt, loss details and death certificate of original petitioner as per Ex.P.1 to 5. That on



perusal of the marked documents it is noticed that there is no mention of damage to the crops while laying line over the land of the petitioners. Hence the petitioners in order to believe that the respondents have paid meagre compensation to the petitioners there is no supportive oral and documentary evidence. Hence under these circumstances the amount paid to the petitioners by the respondents seems to be adequate and proper. Accordingly, **points No.1 and 2 are answered in negative.**

15. Point No.3 : 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 her, corrected, signed and then pronounced on this the 10th June, 2026)

(SHILPA. K.S)

VI Addl. Dist. and Sessions Judge,
Tumakuru.



ANNEXURE

1. List of witnesses examined for the petitioner :

PW.1 : Jayamma

2. List of documents marked for the petitioner :

Ex.P1 : Requisition
Ex.P2 : Compensation bill
Ex.P3 : Acknowledgment receipt
Ex.P4 : Loss supply letter
Ex.P5 : Death certificate

3. List of witnesses examined for the respondents :

-NIL-

4. List of documents marked for the respondents :

-NIL-

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