

KAVN010015782024



**IN THE COURT OF THE ADDL. DISTRICT & SESSIONS
JUDGE, VIJAYANAGARA DISTRICT, HOSAPETE.**

PRESENT: **SRI D. P. KUMARA SWAMY**

B.Com., LL.M.,
Addl. District & Sessions Judge,
Vijayanagara District, Hosapete

DATED THIS 7th DAY OF **MARCH, 2026.**

Miscellaneous No.5214/2024

Petitioner: M.Maliyappa @ Maliyappa,
S/o M.Narasimhappa @ Narasimhappa,
aged about 47 years,
R/o Chandrashekarapura village,
Kudligi Tq., Vijayanagara District.
(By Sri. C.K.Nagaraj -Advocate)

V/s

Respondent : The Executive Engineer (Elec.)
Karnataka Power Transmission
Company Limited, (KPTCL),
Major Works Division,
Moka Road, Ballari.

(By Sri. M.B.Revanna- Advocate)

Date of Institution of Application: 01.10.2024

Total Duration : Year/s Month/s Day/s
: -01- -05- -06-

**(D. P. KUMARA SWAMY),
ADDL. DISTRICT & SESSIONS JUDGE
VIJAYANAGARA DISTRICT, HOSAPETE**

ORDERS

This is a petition under Section 16(3) of the Indian Telegraph Act, 1885.

2. Shorn off the unnecessary details, the facts of the case of the petitioner constituting cause of action for this petition may be stated to the following effect:

2.1. The petitioner is the absolute owner, possession and enjoyment of 02 acres 33 Cents of land in Sy.No.443/1/B, situate at Ramadurga village, Gudekote Hobali, Kudligi Tq., Vijayanagara District.

2.2. The respondent Karnataka Power Transmission Company Limited has drawn 66 KV High Tension Power Line having width of 18 mtrs over the said land of the petitioner.

2.3. Before drawing the said line, the respondent KPTCL has not issued prior notice to the petitioner and not taken the consent of the petitioner. The said portion of the said land over which the said line is drawn has

become completely useless and cannot be used by the petitioner effectively in undertaking any developmental activities.

2.4. At the time of drawing the said line, the respondent KPTCL has destroyed the Groundnut crop standing on the said portion of the land. In view of the destruction of the said standing crops, the petitioner has suffered loss to the tune of Rs.2,00,000/-.

2.5. The respondent has erected a huge tower over the said land of the petitioner.

2.6. The market value of the said land is Rs.10,00,000/- per acre. The said line is drawn to a length of 150 mtrs. The said line is drawn on the middle portion of the said land of the petitioner. The area in which the said land is drawn ad-measures 26 guntas.

2.7. The petitioner has claimed that drawing of line would cause various health problems noted in the petition.

2.8. The petitioner has claimed compensation to a tune of Rs.13,00,000/- which is split up as follows:

Sl. No.	Sustained Loss	Amount (Rs.)
1	For diminution of land value	10,00,000/-
2	For loss of crop	2,00,000/-
3	For loss of trees	1,00,000/-
	Total compensation payable	13,00,000/-

2.9. The said line is drawn in the year 2014. The cause of action for the petition arose during 2016 when the respondent denied to pay the compensation to the petitioner. The petitioner has claimed compensation of Rs.13,00,000/- alongwith interest at 24% p.a. from the date of drawing of line till realization.

3. The respondent KPTCL has denied all the facts of the case of the petitioner concerning the allegations to the effect that the drawing of the said line over the said land has resulted in diminution of the value of the said land; and also resulted in health related issues.

3.1. No line is drawn in petitioner's land.

3.2. The respondent has paid compensation towards crop loss as evaluated by Horticulture department.

3.3. There is no cause of action for the petition.

3.4. The claim of compensation to a tune of Rs.13,00,000/- by the petitioner is abnormal, untenable and not sustainable in the eye of law. Petition may be rejected.

4. The petitioner got himself examined as PW1 and got marked documents at Ex.P1 and Ex.P2.

5. Per contra with the consent of learned Advocate for the respondent, commission letter is marked as Ex.R1.

6. Heard the arguments of the learned Counsel for the petitioner and the Respondent. Learned Advocate for the respondent has relied upon the following decisions of Hon'ble High Court of Karnataka (i) judgment of Hon'ble High Court of Karnataka in WP No.106405/2024 and connected matters DD on 17.11.2025 The Executive Engineer (Ele.) KPTCL V/s K.S.Sukumar @ Sukumar; (ii)

WP No.21313/2024 and connected matters DD on 14.03.2025 The Executive Engineer, KPTCL V/s Smt. Thimmamma; (iii) WP No.107568/2023 (GM-RES) DD on 25.04.2025 The Executive Engineer, KPTCL V/s R.Parvathamma; (iv) WP No.105905/2024 (GM-RES) DD on 10.03.2025 The Executive Engineer (Ele.) KPTCL V/s Bhumesha.

6.1. I have taken into consideration the anxious submissions made by learned Advocates appearing for the parties; and I have also gone through the above cited judgments relied on by the learned Advocate for the respondent.

7. Points that arise for consideration are :

- 1) What is the compensation to which the petitioner is entitled ?
- 2) What order ?

8. Answers to the above points are as under:

Point No.1	:	In the negative.
Point No.2	:	As per final orders for the following

REASONS

9. Point No.1:- In the course of examination-in-chief by way of affidavit, PW1 has reiterated the pleaded facts of his case.

10. During the course of cross-examination, PW1 has deposed to the following effect:

10.1. PW1 has not produced any document to show that the petitioner has grown trees in the said land.

10.2. At the time of drawing the said line, there were no crops in the said land.

10.3. PW1 has not produced any documents to show that the valuation of the said land is Rs.10,00,000/- per acre.

10.4. The petitioner has not produced any document to show that the petitioner has suffered total loss of Rs.13,00,000/-.

10.5. PW1 has not conducted any survey measurement of his land to show the extent of uncultivated land due to drawing of the said land.

10.6. No document is produced to show that there existed a borewell in the said land and that the borewell was damaged at the time of drawing the said lane.

11. On perusal of the entire materials on record, it is noticed that the respondent has specifically stated that the line was drawn over the said land of the petitioner on 01.01.1993. The respondent has raised a contention that the petition is time barred.

12. It is well settled law that the petition has to be filed within three years from the date of commission of line. In this case commission letter dated 12.11.2025 is marked with consent of learned Advocate for petitioner as Ex.R1. On careful perusal of Ex.R1 it can be seen line was drawn in the land of the petitioner on 01.01.1993 i.e., 31 years ago. This petition is filed in the year 2024. The petition is time barred under Article 137 of Limitation Act 1963. Hence, the petitioner is not entitle for any

compensation, as claimed. Hence, Point No.1 is held in the negative.

13. Point No.2: Hence, the following

ORDER

The Petition filed by the petitioner under Section 16(3) of the Indian Telegraph Act, 1885, is hereby dismissed.

Draw award accordingly.

(Dictated to the Stenographer directly on computer, typed and computerized by him, corrected and signed by me and then pronounced in the open Court, on this the 7th day of **MARCH, 2026**).

**(D. P. KUMARA SWAMY),
ADDL. DISTRICT & SESSIONS JUDGE,
VIJAYANAGARA DISTRICT, HOSAPETE.**

ANNEXURE

Witnesses examined on behalf of Petitioner :

P.W.1 : M.Maliyappa

Document marked on behalf of the Petitioner

Ex.P1 : RTC

Ex.P2 : Valuation certificate

Witnesses examined on behalf of Respondent :

NIL

Document marked on behalf of the Respondent

Ex.R1 : commission letter

**(D. P. KUMARA SWAMY),
ADDL. DISTRICT & SESSIONS JUDGE,
VIJAYANAGARA DISTRICT, HOSAPETE.**

(Order pronounced in the open Court
vide separate order)

ORDER

The Petition filed by the petitioner under Section 16(3) of the Indian Telegraph Act, 1885, is hereby dismissed.

Draw award accordingly.

**(D. P. KUMARA SWAMY),
ADDL. DISTRICT & SESSIONS JUDGE,
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