

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE-I, KOZHIKODE

Present:- Sri. N.R. Krishnakumar, Additional District Judge-I, Kozhikode

Friday, the 10th day of April, 2026

O P 120/2011

Between

Fathima, W/o. Beerankoya, aged 52 years,	}	Petitioner
Puliyanchalil House, Thattampoyil, Kodyathur	}	
village, Kozhikode Taluk, Kozhikode District.	}	

And

Deputy General Manager, Power Grid	}	Respondent
Corporation of India Ltd, Areekode P.O,	}	
Ugrapuram, Eranad Taluk, Malappuram District.	}	

This petition is coming on the 07th day of April 2026 for final hearing before me in the presence of Sri. P.T. Mathew Advocate for petitioner and Sri. A. Basheer Advocate for respondent and having stood over to this day for consideration the court passed the following:

ORDER

This application is filed under section 51 of Indian Electricity Act r/w section 42 of Electricity supply Act and section 10 and 16 of Indian Telegraph Act for grand of compensation.

2. This application was jointly tried along with OP. 3/2010 and OP.445/2010 by this court and disposed of by vide common order dated 21-06-2012 granting additional compensation. Feeling not satisfied with the amount of compensation granted, the petitioner in this case had preferred Civil Revision Petition before the Hon'ble High Court of Kerala as **CRP. 368/2014**. The Hon'ble High Court, as per the order dated 27-07-2018 has allowed the revision petition and remanded the matter to this court for fresh disposal.

3. In obedience to the direction given, the petition is restored to file.

4. The case of the petitioner in brief is as follows:- The respondent for the purpose of drawing Mysore - Kozhikode 400 KV Electric line entered into property of the petitioner situated in Kodyathoor village of Kozhikode Taluk and cut and removed yielding and non yielding trees after preparing valuation statement. The respondent wrongly assessed the age, annuity, yield and value of the yield of the trees which resulted in granting grossly inadequate compensation. The property of the petitioner is highly fertile garden land and now after erecting tower for drawing of heavy tension power line, the land cannot be used for any purpose. Since the land covered by the above case is completely taken and utilised by the respondent for the above said purpose, the petitioner is entitled to get solatium, interest and all other legal benefit as provided under Land Acquisition Act. The land value in the locality is more than Rs.1,00,000/- per cent. Due to the erection of tower, the entire property is affected and the respondent is liable to pay compensation for diminution land value. Towards compensation for cutting and removing of trees, diminution of land value etc., the petitioner is entitled to get a total compensation of Rs.5,66,000/-. The respondent has paid only Rs.17,513/-. The balance to be paid with interest and cost is Rs.5,48,487/-. Hence the petition.

5. The respondent filed counter statement contending the following:- It is true that the Power grid Corporation of India Ltd has been entrusted with construction of 400 KV Mysore-Kozhikode double circuit line by Government of India. The respondent under the provisions of Indian Telegraph Act and Electricity Act has issued notice to the petitioner to draw electric line through the property of the petitioner and prepared mahazar showing the particulars of the trees to be cut and removed from her property. The Special Thasildar (LA) Kozhikode has prepared valuation statement for assessing compensation to be paid to the petitioner by recourse to the scientific methods approved by the State Government. Thasildar has prepared mahazar in the presence of the petitioner and assessed compensation considering the yield of similar crops and trees in and around of the property of the petitioner, market value of the agriculture

produce etc. The petitioner has received the amount of compensation in full and final settlement without any protest or objection. The respondent has paid adequate and just compensation to the petitioner for the actual loss sustained to her on account of drawing of electric lines through her property. The respondent has correctly assessed the compensation based on actual age, future age, girth, height, yield, timber value, market value, etc. No objection is raised by the petitioner as to the assessment of compensation made. The respondent has only drawn electric line over the property of the petitioner and the petitioner can use the land for agriculture purpose by cultivating seasonal crops. The petitioner is not entitled to claim compensation as per the provision of Land Acquisition Act for the simple reason that the respondent has not acquired any land of the petitioner. The petitioner is not entitled to get any additional compensation as claimed in petition. Hence the petition is liable to be dismissed.

6. As already stated above, prior to the remand, the above OP was jointly tried along with OP.3/2010 and OP.445/2010. No oral evidence was adduced by the parties. Ext.A1 to A3, C1 to C4 and B1 to B3 were marked. Then after hearing the parties and analysing the evidence on record, my predecessor in office had found that the method adopted by the Special Thasildar in assessing the value of trees cut was not proper. It was further found that the petitioners are entitled to get compensation for diminution of land value. Fair value fixed by the revenue officials for the purpose of determining stamp duty in the particular survey No. was Rs.7500/- per Are. For determining compensation my predecessor in office had decided to add Rs.1,000/- more to each cent and accordingly fixed centage value at Rs.4000/-.

7. It was brought out in evidence that the petitioner in OP.445/2010 **Pathumma** and the petitioner in the present OP viz.O.P.120/2011 **Fathima** is one and the same person. The land involved in both the cases are also one and the same. The petitioner opted to file two separate petitions as the trees were cut on two phases ie, at the time of erecting tower and at the time of drawing electric line. The total affected area is 28.5 cent. Since two separate valuation

statements were prepared for cutting trees from the same property of the petitioner, my predecessor in office has given enhanced value of trees cut in OP.445/2010 and OP.120/11 separately. In OP.120/2011 total amount of Rs.11536.99 was awarded as enhanced compensation for the value of trees cut. **20%** of the land value was taken to determine the compensation for diminution of land value and compensation for **entire 28.5 cents** was awarded in OP.445/2010.

8. As referred above, feeling not satisfied with the amount of compensation awarded, the petitioner has preferred civil revision petition before the Hon'ble High Court of Kerala against the order in OP.120/2011 alone. The Hon'ble High Court had an occasion to consider similar issue in CRP.No.144/2013 and connected cases. In those cases, the Hon'ble High Court observed thus.

"This court is of the view that this matter has to be remitted back to the court below to consider the following aspects;

(i) Yield revealed from each tree in the land belonged to each of the petitioners.

(ii) Determination of the diminishing land value, after ascertaining the market value and any other component relating to the assessment.

It is open for the parties to bring to the notice of the court below any other aspect, which has not been considered while determining the diminution value of the land. Parties are at liberty to adduce fresh evidence".

9. Having regard to the above said order passed in similar matters, the Hon'ble High Court remanded this case viz.OP.120/2011 also for fresh disposal in accordance with the direction given in the earlier order referred above.

10. After remand, the petitioner has filed application to appoint fresh Advocate Commissioner for local inspection. Accordingly, advocate Mini.C.P was appointed as Commissioner and she filed report. The petitioner was then examined as PW1. She marked Exts.A1, C1 and C2 documents. No evidence was adduced on the side of respondent.

11. Heard the parties.

12. Now the points that arise for consideration are:-

1. Whether the petitioner is entitled to get additional compensation in respect of the value of trees cut and removed ? If yes, what is the quantum ?
2. Whether the petitioner is entitled for enhanced compensation towards loss in diminution in land value ?
3. If yes, what is the quantum?
4. Relief and cost?

13. **Point No.1 to 3:-** Admittedly for drawing interstate 400 KV double circuit line from Mysore to Kozhikode number of trees from the properties of the petitioners were cut and removed. Details of the trees cut and the compensation arrived for cutting of trees are given in valuation statement. The total compensation calculated for cutting trees in this case is Rs.17,513/-. My predecessor in office had found it proper to apply annuity method to determine compensation for yielding trees. But if annuity method is applied for non yielding trees, the petitioner will not get any hike in the value of non yielding trees. So it was decided to take 50% more of the awarded amount for non-yielding trees to determine the compensation for the value of non yielding trees cut. Therefore, an additional amount of Rs.11,536.99 (Rs.8764.49 for yielding trees + Rs.2772.50/- for non yielding trees) was awarded as compensation towards value of trees cut. The Hon'ble High Court remanded back the matter with direction to consider the yield received from each tree in the land belongs to the petitioner and to determine compensation. But the petitioner has not adduced any satisfactory evidence to prove the yield from each tree and the market value prevailing during the relevant period. Moreover, at the time of the evidence, the petitioner has given up claim for enhancement of the value of trees cut over and above the enhancement already given by this court prior to the remand. The relevant portion of the chief examination affidavit of PW1 is as follows:- “എതിർക്കക്ഷി മുറിച്ചു നീക്കിയ കഴിക്കുറുകളിലെ അനുഭവങ്ങൾക്ക് എതിർക്കക്ഷി 10% annuity അടിസ്ഥാനത്തിൽ

നഷ്ടപരിഹാരം കണക്കാക്കിയത് ബഹുമാനപ്പെട്ട ഈ കോടതി 5% annuity അടിസ്ഥാനത്തിൽ നഷ്ടപരിഹാരം കണക്കാക്കിയതിനാൽ മേൽ നമ്പരിലെ അനുഭവങ്ങൾക്ക് അധികമായി നഷ്ടപരിഹാരം ആവശ്യപ്പെട്ടിട്ടില്ല. So taking any view of the matter, I am satisfied that the petitioner is not entitled to get any further amount as compensation for the value of trees cut from the property.

14. The remaining question is whether the petitioner is entitled to get any further amount as compensation for diminution of land value. As already stated above, two cases were filed by the petitioner claiming compensation owing to erection of tower and drawal of electric line. The total extent of property affected is **28.5 cents**. Both the above cases were tried jointly and my predecessor in office had awarded compensation for diminution of land value in OP.445/2010 for the total extent affected. Since same land is involved and compensation has already been awarded in the other case, no compensation for diminution of land value was given in the present case viz, OP.120/2011. The petitioner has not challenged the order passed in OP.445/2010. Since compensation for diminution of land value was determined and awarded in OP.445/2010 and the said order has not been challenged by the petitioner, the petitioner cannot claim any further enhancement of compensation owing to the diminution of land value in the present case. So the prayer for enhancement of compensation for diminution of land value in the present case is only to be rejected. Thus I find these points accordingly.

15. **Point. No.4.** In the result, the petition is allowed in part as follows:-

1. As already ordered, the petitioner is entitled to get additional compensation of Rs.11,540/-(Rupees eleven thousand five hundred and forty only) with interest @ 6% per annum towards the enhanced value of trees cut.
2. The relief claimed for compensation for diminution of land value is rejected.

3. It is made clear that if the respondent has already paid the amount ordered above, the petitioner is not entitled to get any further amount.

4. Parties are directed to bear their respective cost.

(Dictated to the Confidential Assistant, typed by him directly on computer, corrected by me and pronounced in open court, this the 10th day of April, 2026)

Sd/-
Additional District Judge-I

Petitioner's witness:

PW1 01-04-2026 Fathima, W/o. Beeran Koya.

Petitioner's Exhibits:

A1 21-04-2018 Certified copy of order in OP 226/2010, 466/2010, 486/2010, 154/2011 and 321/2012 of this Court.

Respondent's witness and exhibits:Nil.

Court witness:Nil.

Court exhibits:

C1 12-12-2018 Commission report submitted by Adv. Mini. C.P. advocate commissioner.

C2 Nil Sketch.

Sd/-
Additional District Judge-I

Fair/copy of Order
in OP 120/2011
Dated: 10.04.2026