

**IN THE COURT OF ADDL.DISTRICT JUDGE-II (SPECIAL) KOTTAYAM**

Present : Sri. Subash.S, Addl. District Judge-II (Special), Kottayam.

**Thursday, the 19<sup>th</sup> day of March 2026.**

28<sup>th</sup> day of Phalguna 1947

**O.P No. 3/2024.**

**Petitioner:-**

Steny Thomas, Aged 48 years, S/o. Thomas,  
Nalluveetil House, Punnathura East,  
Ayarkunnam Village, Kottayam, Kerala,  
Pin. 686583, represented by his power of  
Attorney Holder and Brother Jose Thomas,  
Aged 58, S/o. Thomas, Nalluveetil House,  
Punnathura East, Ayarkunnam Village,  
Kottayam Kerala, Pin. 686583.

By Adv. Paul Varghese, Adv. Deepthi.G.Nair  
and Adv.Ajith Thomas

**Respondents:-**

1. The Power Grid Corporation of India Ltd.(PGCIL).  
Represented by its authorized Officer,  
400 KV Sub Station, Kumarapuram P.O,  
Pallikkara-683565.
2. The Secretary to Government,  
Energy Department of Power, Government Secretariat,  
Thiurvananthapuram.-695001.
3. Kerala State Electricity Board (KSEB), represented by  
its Secretary, Vydyuthi Bhavan, Pattam,  
Thiruvananthapuram.-695004.

4. The Special Tahsildar (LA)  
Power Grid Corporation of India Ltd.,  
Chavittuvery, S.H.Mount.P.O, Kottayam, 686006.

R1 By Adv. A.Basheer

R2 and R4 by Addl. Cyril Thomas Addl. Government Pleader.

R3 by Adv.Deepthi.S.Nath.

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

This OP(Electricity) having been finally heard on 27.02.2026 and the court on 19.03.2026 passed the following :-

**AWARD**

This is a petition filed under Section 16 (3) of the Indian Telegraph Act for the enhancement of compensation.

2. The petitioner's case in brief is as follows: Petitioner is the absolute owner of 22.26 ares of property comprised in survey No.7/7 and 7/8 of Ayarkkunnam Village. To draw the Edamon - Kochi 400 KV electric line across the petitioner's property, the value of the said property has been substantially diminished, and no sufficient compensation was given for the diminution of land value. In the circumstances, the petitioner preferred this petition for the enhancement of compensation.

3. The 1<sup>st</sup> respondent entered appearance and filed counter statement contending as follows: The petition for additional compensation is not maintainable either in law or on the facts. For the purpose of drawing 400 KV electric line as part of the construction of the Edamon - Kochi 400 KV line, the 1<sup>st</sup> respondent has cut and removed trees standing in the property of the petitioner after observing all the necessary formalities. The 1<sup>st</sup> respondent has paid full compensation towards trees and crops, land value towards the corridor area, and displacement allowance for curtailing the rights of property adjacent to the land where the electric line was drawn. The petitioner's claim for additional compensation is unfounded, exaggerated and unsustainable. The 1<sup>st</sup> respondent has paid compensation to the petitioner on the basis of the Package Compensation announced by the State Government, and hence petitioner is not entitled to get any additional compensation as claimed in the petition.

4. On the side of the petitioner, Exts.A1 to A4 were marked. On the side of the 1<sup>st</sup> respondent, Ext.B1 was marked.

The commissioner's report and plan were marked as Exts.C1 and C1(a).

5. The learned Counsels appearing for the petitioner and 1<sup>st</sup> respondent were heard. Learned counsel for the petitioner filed argument note.

6. The issues that arise for consideration are:

1. Is the petitioner entitled to get enhanced compensation for the diminution of land value?
2. Reliefs and costs?

7. **Issue No.1**:- Coming to the compensation for diminution of land value, according to the petitioner, 22.26 ares of property comprised in survey No.7/7 and 7/8 of Ayarkkunnam Village absolutely belongs to him. To establish his title over the said property, the petitioner produced Ext.A1 tax receipt. As per Ext.A1 tax receipt, 22.26 ares of property comprised in survey Nos.7/7 and 7/8 of Ayarkkunnam village is in the possession of the petitioner. According to the petitioner, the market value of the property at the relevant time was ₹8,00,000/- per cent, and by the drawing of 400 KV electric

line across the said property, the land value has been diminished, and so he is entitled to compensation for the diminution of land value.

8. Ext.C1(a) plan submitted by the Commissioner would show that the electric line passes through the middle of the petitioner's property. The commissioner ascertained the extent of the total affected area as 16.98 ares. So, 16.98 ares is taken as the extent of the property of the petitioner affected by the drawing of the electric line. In this context, it is useful to refer to the judgment of the Hon'ble Apex Court in *K.S.E.B. V Livisha and others [ 2007 KLT(3) 1]*.

9. In the said case, the Hon'ble Apex court held as follows:

“ The situs of the land, the distance between the high voltage electricity line laid there over, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used.”

10. Coming to the case at hand, as per Ext.C1(a) plan the electric lines pass through the middle of the petitioner's property, and the extent of the affected area due to the construction of the electric line is 16.98 ares. The said area cannot be effectively used for any purpose for which it was meant for, and the drawing of electric line has substantially diminished the market value of the petitioner's property. As the electric line passes through the middle of the petitioner's property, it is just and reasonable to fix 50% as the diminution of land value for the affected area.

11. Coming to the market value of the petitioner's property, the petitioner has not produced any document to prove the market value. As per Ext.C1 report, the petitioner's property has no direct access to the road. The Ext. C1 report would further show that the petitioner's property is situated at a distance of 450 meters from the Kidangoor - Manarcad PWD road, 50 meters from the St. Thomas Girls High School and St. Thomas Church, and 100 meters from the Government. Ayurveda Hospital and Co-operative Bank. Considering the nature and lie of the petitioner's land, it is just and reasonable

to fix the market value of the petitioner's land at ₹75,000/- per cent. Hence, the compensation payable for the affected area is ₹15,72,750/- (41.94 cents x 75,000 x 50/100). The petitioner received ₹5,97,645/- towards land compensation. So, the enhanced compensation payable for diminution of land value is determined as follows:

$$\mathbf{₹15,72,750 - ₹5,97,645 = ₹9,75,105/-}$$

12. Coming to the interest to be awarded on the award amount, the petitioner has not produced the certificate of compensation for tree clearance to establish the date of tree cutting. Ext.B1 is the detailed valuation statement showing the land value and displacement allowance to the land owners, and Ext.B1 is dated 12.08.2021. Hence, the petitioner is entitled to interest from 12.08.2021.

13. **Issue No.2**:- In the result,

1. The petitioner is entitled to realise the sum of **₹9,75,105/- (Rupees Nine Lakh Seventy Five Thousand One Hundred and Five only)** as enhanced compensation from the 1<sup>st</sup> respondent with interest @ 8% per annum.

2. The petitioner is entitled to realise 8% interest on the above amount from 12.08.2021.
3. The petitioner is allowed to realise the entire cost for the litigation from the 1<sup>st</sup> respondent.

*Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me, and pronounced in open court, on this the 19<sup>th</sup> day of March, 2026.*

Sd/-

**Subash. S**  
**Addl. Sessions Judge-II(Spl.),**  
**Kottayam**

## **APPENDIX**

### **Exhibits marked for the Petitioner:-**

Ext.A1	19.09.2023	True Copy of tax receipt
Ext.A2	12.08.2021	Copy of Detailed valuation statement of showing the land value and displacement allowance to the land owners.
Ext.A3	NIL	True Copy of bank account statement of the petitioner
Ext.A4	09.11.2021	General Power of attorney.

### **Exhibits Marked for The Respondents:-**

Ext.B1	12.08.2021	Copy of Detailed valuation statement showing the land value and displacement allowance to the land owners.
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