

IN THE COURT OF ADDL. DISTRICT JUDGE-IV, KOTTAYAM

Present :- Dr. Satheesh Kumar V., Addl. District Judge-IV, Kottayam

Friday the 10th day of April, 2026/20th day of Chaithra 1948

OP (EA) Nos.175/2022, 172/2022, 156/2023, 124/2022 & 154/2022

OP (EA) No.175/2022

Petitioner :-

P T Ulahannan, aged years 65, S/o Thomas, Residing at Padinjare Elapni, Ayarkunnam P O., Ayarkunnam Village, Kottayam District, PIN 686 564.

By Adv. Stephen Chazhikattu

Respondents :-

- 1 Power Grid Corporation of India Ltd., (PGCIL), Represented by its Authorized Officer 400 KV Substation, Kumarapuram P O., Pallikkara. Pin 683565
- 2 The Secretary to Government, Energy Department of Power, Government Secretariat, Thiruvananthapuram, PIN 695001.
- 3 Kerala State Electricity board, (KSEB), Vidyuthi Bhavan, Pattom, Thiruvananthapuram, 695 004.
- 4 Special Tahasildar (LA), Power Grid Corporation of India Ltd., Chavittuvary, S H Mount P O., Kottayam. Pin 686006

R1 – By Adv. Benny Mathew and Adv Sunny George
Chathukulam

R2 & R4 – Adv. P Vinodji, Addl. Public Prosecutor

R3 – By Adv. Deepthi S Nath

OP (EA) No.172/2022

Petitioners :-

- 1 Mary Kuruvilla, Aged 72 years. W/o Kuruvila. Residing at Thirunilathil House, Kongandoor P O., Ayarkunnam Village, Kottayam District, PIN 686 564.
- 2 Shojo Kuruvilla, Aged 45 years, S/o Kuruvila, Residing at Thirunilathil House, Kongandoor P O., Ayarkunnam Village, Kottayam District, PIN 686 564.

By Adv. Stephen Chazhikattu

Respondents :-

- 1 Power Grid Corporation of India Ltd., Represented by its authorized officer 400 KV Substation, Kumarapuram P O., Pallikkara. Pin 683565
- 2 The Secretary to Government, Energy Department of Power, Government Secretariat, Thiruvananthapuram, PIN 695 001.
- 3 Kerala State Electricity board, (KSEB), Vidyuthi Bhavan, Pattom, Thiruvananthapuram, 695 004.
- 4 Special Tahasildar (LA), Power Grid Corporation of India Ltd., Chavittuvar, S H Mount P O., Kottayam, 686 006.

R1 – By Adv. Sunny George Chathukualam and
Adv. Satheesh P.S

R2 & R4 – Adv. P Vinodji, Addl. Public Prosecutor

R3 – By Adv. Deepthi S Nath

OP (EA) No.156/2023

Petitioner :-

Siby, Aged 52 years, S/o Kurian, Thadamuriyil House,
Lakattoor Kara, Kooropada Village, Kottayam, PIN 686 502..

By Adv. Stephen Chazhikattu

Respondents :-

- 1 Power Grid Corporation of India Ltd. (PGCIL), Represented by its Authorized Officer 400 KV Substation, Kumarapuram P O., Pallikara, 683565..
- 2 The Secretary to Government, Energy Department of Power, Government Secretariat, Thiruvananthapuram, PIN 695 001.
- 3 Kerala State Electricity board, (KSEB), Vidyuthi Bhavan, Pattom, Thiruvananthapuram, 695 004.
- 4 Special Tahasildar (LA) General, Power Grid Corporation of India Ltd., Chavittuvari, S.H Mount P.O, Kottayam, 686 006.

R1 – By Adv. Sunny George Chathukualam and
Adv. Satheesh P.S

R2 & R4 – Adv. P Vinodji, Addl. Public Prosecutor

R3 – By Adv. Deepthi S Nath

OP (EA) No.124/2022

Petitioner :-

P T Jose, Aged 72 years, S/o Thomas @ Thomman, residing at Kattakayathumattathil (Charath), Kongandoor Kara, Ayarkkunnam Village, Kottayam district, 686564.

By Adv. Stephen Chazhikattu

Respondents :-

- 1 Power Grid Corporation of India Ltd. (PGCIL), Represented by its Authorized Officer 400 KV Substation, Kumarapuram P O., Pallikara, 683565.
- 2 The Secretary to Government, Energy Department of Power, Government Secretariat, Thiruvananthapuram, PIN 695 001.
- 3 Kerala State Electricity board, (KSEB), Vydyuthi Bhavan, Pattom, Thiruvananthapuram, 695 004.
- 4 Special Tahasildar (LA) General, Power Grid Corporation of India Ltd., Chavittuvvari, S.H Mount P.O, Kottayam, 686 006.

R1 – By Adv. Sunny George Chathukualam

R2 & R4 – Adv. P Vinodji, Addl. Public Prosecutor

R3 – By Adv. Deepthi S Nath

OP (EA) No.154/2022

Petitioner :-

Benny Joseph, Aged 58 years, S/o Joseph, Kunnel House, Kongandoor Kara P O, Ayarkkunnam Village, Kottayam District, 686 564.

By Adv. Stephen Chazhikattu

Respondents :-

- 1 Power Grid Corporation of India Ltd., (PGCIL), represented by its Authorized Officer 400 KV Substation Kumarapuram P O, Pallikkara, 683 565.
- 2 Secretary to Government, Energy Department of Power, Government Secretariat, Thiruvananthapuram, 695001.
- 3 Kerala State Electricity Board (KSEB), Vydyuthi Bhavan, Pattom, Thiruvananthapuram, 695 004.

- 4 The Special Tahasildar (LA), Power Grid Corporation of India ltd,
Chavituvaray, S H Mount P O, Kottayam, 686 006.

R1 – By Adv. Sunny George Chathukulam and
Adv. Satheesh P.S
R2 & R4 Not seen filed.
R3 – Adv. Deepthy S Nath

These petitions having been finally heard on 01.04.2026 and the court on 10.04.2026 delivered the following :-

COMMON AWARD

1. These five original petitions are preferred under Sections 10(d) and 16(3) of the Indian Telegraph Act, 1885, read with Section 164 of the Electricity Act, 2003, seeking enhanced compensation for the loss of trees and the diminution of land value resulting from the drawal of the 400 KV Edamon-Kochi electric transmission line and the construction of electric towers through the properties of the respective petitioners. The petitioners contend that the compensation initially awarded under the Special Compensation Package by the Government is grossly inadequate as it fails to account for the permanent sterilisation of their properties, the actual loss of future income from the yielding trees cut by the first respondent, and the non-payment of special ex-gratia allowances to all eligible owners.
2. OP 175/2022 has been filed by the petitioner P.T. Ulahannan, for the Edamon-Kochi transmission project. The respondents occupied 1.48 Ares for the construction of a tower base and utilised 3.66 Ares (comprising 3.43 Ares and 23 square meters) as a line corridor. The petitioner contends that this utilisation has permanently diminished the utility of his land. He contends that ₹5,76,000, the total

compensation received, was meager considering the commercial and geographic importance of his land situated near main roads and public institutions. He also states that the line was drawn over his land, having an extent of 26.82 Ares of property, and due to the drawing of lines, the value of the entire property was diminished. While there is no claim for tree compensation in this petition, the petitioner seeks enhanced land value and the special package benefits. So he claimed ₹1,94,23,119/- towards enhanced compensation.

3. OP 124/2022 has been filed by the petitioner P.T. Jose, in which 3.28 Ares of land was used for the transmission line corridor, an extent admitted by the first respondent. The petitioner states that 113 trees, including yielding rubber and coconut trees and valuable teak, were cut and removed from his property. The petitioner acknowledges receipt of Rs. 1,00,000/- under the Special Package. However, he contends that ₹14,58,810, the total compensation received, was meager considering the commercial and geographic importance of his land situated near main roads and public institutions. He also states that the line was drawn over his parcel of land, having an extent of 7.35 Ares of property, and due to the drawing of lines, the value of the entire property was diminished. So he claimed ₹1,85,41,190/- towards enhanced compensation.
4. OP 154/2022 has been filed by the petitioner, Benny Joseph, in which the respondents utilised 9.13 Ares of his property for the transmission line corridor, which is admitted by the first respondent in its pleadings. No proper compensation for trees on the property was given. He states that the lines were drawn over his parcel of

land, having an extent of 47.02 Ares of property, which caused a permanent reduction in the market value of the entire property and that he is entitled to enhanced diminution value and the one-time special package payment. He received a meager sum of ₹3,75,000. So he claimed ₹1,96,24,374/- towards enhanced compensation.

5. OP 156/2023 has been filed by the petitioner Siby, in which the respondents utilised 3.17 Ares for the line corridor. He averred that 48 trees, primarily rubber, arecanut, and coconut, were cut from his property. The petitioner contends that the initial assessment of damages was conducted without proper regard to the yield capacity of the land. He also states that the line was drawn over his parcel of land, having an extent of 20.43 Ares of property, and due to the drawing of lines, the value of the entire property was diminished. He seeks enhancement, along with the benefits of the special package. He received a meager sum of ₹3,10,000 as the tree-cutting compensation, and ₹1,70,000 towards land value. So he claimed ₹2,04,80,876/- towards enhanced compensation.
6. OP 172/2022 has been filed by the petitioners, Mary Kuruvilla and Shojo Kuruvilla, in which it is averred that the respondents utilised 0.42 Ares for the erection of an electric tower and drew lines through a corridor affecting 13.83 Ares of their property. A total of 129 trees were cut and removed. They contend that the compensation paid is not commensurate with the market value and that the drawing of the 400 KV line has effectively sterilised the property for any residential or high-value agricultural development. They also contend that the line was drawn over their land, having an extent of 87.75 Ares of property, and due to the drawing of lines, the value of the entire

property was diminished. They received ₹18,35,000, which is insufficient. So they claimed ₹1,81,64,314/- towards enhanced compensation.

7. The respondents filed separate objections, the substance of which is as follows:

For R1 (PGCIL), R2 (Govt.), and R4 (Special Tahsildar): The petitions are not maintainable. The compensation paid is just, fair, and scientifically calculated as per the Special Compensation Package formulated by the Government of Kerala. The Detailed Valuation Statements (DVS) were prepared transparently after due notice and inspection. The claim for market value is exorbitant and unsubstantiated by evidence. The Special Package of ₹1,00,000/- is applicable only where an existing house is affected by the line. Concerning O.P. No. 175/2022, it is contended that the petitioner had already claimed and received compensation for trees in earlier proceedings (O.P. Nos. 34/2020 & 35/2020), and hence, the present petition is barred by the principle of *res judicata*.

For R3 (KSEB): The petition is bad for misjoinder of party. The 400 KV line is an interstate transmission line solely owned, executed, and maintained by the 1st respondent (PGCIL). The KSEB is only a potential user of the transmitted power and has no role in the line construction, damage assessment, or compensation payment. Therefore, KSEB prayed to be removed from the party array.

8. As per the order in IA 2/2024 in OP 175/2022, all petitions were consolidated. During the trial, the petitioner in OP 175/2022 was examined as PW1, and Exts. A1 to A3 series were marked, which relate solely to the case of PW1. On the respondents' side, Exts. B1 to B49 were marked. As the Court found that the documents on record are insufficient to arrive at a just decision, the Court required the respondent to produce relevant specific documents that were produced and admitted in evidence as Exts.X1 to X7 (for OP 175/22), Exts. X8 to X14 (for OP 156/23), Exts. X15 to X20 (for OP 154/22), Exts. X21 to X26 (for OP 172/22), and Exts. X27 to X29 (for OP 124/22).
9. Heard both sides and perused the case records.

10. Based on the pleadings and arguments, the following issues are framed for determination:

1. Is the petition bad for misjoinder of the 3rd respondent (KSEB)?
2. Is O.P. No. 175/2022 barred by the principle of *res judicata*?
3. Was the compensation awarded for the trees cut and removed adequate?
4. What is the just and fair market value of the petitioners' properties?
5. Are the petitioners entitled to enhanced compensation for the diminution in land value for the RoW corridor and for the area occupied by transmission towers?
6. Are the petitioners entitled to the "Special Package" of ₹1,00,000/-?
7. What is the appropriate rate of interest on the enhanced compensation?
8. Reliefs and Costs.

11. **Issue No. 1:** The 3rd Respondent (KSEB) has contended that they are not a necessary party. The petitions, along with the counter-statements of the 1st Respondent, make it clear that the 400 KV line from Edamon to Kochi is an interstate project of the 1st Respondent, PGCIL, a Central Transmission Utility. The notices and valuation statements were all issued by or on behalf of PGCIL. The petitioners have not produced any piece of evidence to show KSEB's involvement or liability. Therefore, the objection raised by the 3rd Respondent is valid. The petitions against the 3rd Respondent are not maintainable.
12. **Issue No. 2:** The 1st respondent contends that since the petitioner in O.P. No. 175/2022 had already filed O.P. Nos. 34/2020 and 35/2020 and received compensation for trees, the present petition is barred by *res judicata*. During cross-examination, PW1 admitted that he had previously initiated legal proceedings in EOP 34/20 and EOP 35/20, through which he had already received certain compensation for the loss of trees on the property. The respondents' argument is legally untenable. It is proven that the earlier petition was confined solely to the inadequacy of compensation for the trees that were cut and removed. The present petition, however, is for a distinct and separate cause of action: the diminution in the value of the land due to the establishment of the RoW corridor and the erection of a tower, and related claims such as the Special Package. This claim for damages results from the permanent encumbrance on the property, which was not the subject matter of the earlier litigation. Therefore, the principle of *res judicata* does not apply. This issue is found against the respondents.

13. **Issue No. 3: Compensation for Trees.** The petitioners' case concerning the removal of trees involves three petitions alone. In OP 124/22, 113 trees were cut. In OP 156/23, 47 trees were cut. In the petition OP 172/22, there is no averment regarding the details of the trees cut and removed; however, the learned counsel for the petitioner argued that a total of 129 trees were removed. The following documents provide descriptions of the trees removed in each case.

1. OP 124/2022 (Petitioner: P.T. Jose)

Ext. B11: Tree-Cutting Notice (No. 11265) issued to the petitioner, listing the trees marked for removal.

Ext. B12 & Ext. B13: Site Mahazars detailing the age, height, girth, and count of the trees removed.

Ext. X27: Detailed Valuation Statement (DVS) calculating the final compensation for the damaged trees (₹2,20,966.27).

2. OP 154/2022 (Petitioner: Benny Joseph)

Ext. X15: Detailed Valuation Statements calculating the yield and timber value for the trees removed from the property, totalling ₹2,91,446.

3. OP 156/2023 (Petitioner: Siby Kurian)

Ext. B36: Tree-Cutting Notice (No. 11366) detailing the count of rubber, teak, anjili, and other trees to be removed.

Ext. B38: Site Mahazar (No. 2833) recording the physical details of the felled trees.

Ext. B39 : Detailed Valuation Statements calculating the yield and timber value for the trees removed from the property- ₹1,70,792

4. OP 172/2022 (Petitioners: Mary Kuruvilla & Shijo Kuruvilla)

14. Ext. B30: Tree-Cutting Notices, enumerating the total count of trees, saplings, and vines to be cut.

Ext. B31 & Ext. B32: Site Mahazars, recording the specific physical measurements and counts of the removed trees.

Ext. X22: Detailed Valuation Statements assessing the compensation for the trees cut under Notice No. 11291, as ₹2,41,450.

Ext. X21: Detailed Valuation Statement assessing the compensation for the trees cut under Notice No. 8838, as ₹1,51,466.

14. As detailed in the objections, supported by the documents admitted in evidence from the respondents, the assessment of compensation for the trees cut and removed was conducted using a systematic, scientific methodology specifically formulated for this project. Initially, revenue officials inspected the properties and prepared detailed site mahazars in the physical presence of the landowners, systematically recording the specific physical characteristics of each affected tree, including its number, age, height, girth, and yielding capacity. For yielding trees, the compensation was calculated by factoring in the expected future age and expected yield, utilising official data from the Economics and Statistics Department to ascertain the market value of the agricultural products. The precise scientific formula applied to determine the yield component was:

Gross yield multiplied by a constant factor, followed by Net return yield multiplied by future age to determine the average return value, which was then multiplied by the present worth to arrive at the final compensation for yield. The respondents further contended that the felled timber was handed over to the landowners for their own enjoyment, and no timber value was deducted from the compensation. Finally, the Detailed Valuation Statements (DVS) generated through this process were subjected to multi-level verification and ultimately approved by the District Collector prior to the disbursement of funds.

15. The claim for enhanced compensation for the value of the trees is liable to be denied for many reasons. Primarily, the petitioners failed to adduce any authentic, independent documentary evidence to prove the actual yield of their crops. Furthermore, PW1, both in his proof affidavit and during his examination, failed to provide concrete facts to substantiate the exorbitant claims, and instead admitted during cross-examination that the landowners themselves had signed the detailed Site Mahazars without raising any contemporaneous objections to the recorded physical characteristics of the trees. In direct contrast to the petitioners' uncorroborated claims, the respondents adopted a transparent and systematic valuation procedure. This scientific assessment relied on official data from the Economics and Statistics Department to calculate compensation using the established formula of net return yield multiplied by future age to determine the average return value. Additionally, as admitted by PW1 and affirmed by the respondents, the felled trees and timber

were handed over to the landowners for their own enjoyment, and no timber value was deducted from the compensation. This point is found against the petitioners.

16. **Issue Nos. 4 and 5: Just And Fair Market Value And Compensation; Compensation For The Diminution In Land Value; For The Row Corridor, And For The Area Occupied By Transmission Towers.** PW1, the petitioner, P.T. Ulahannan, in Ele (OP) 175/2022, filed the proof affidavit, stating that the Power Grid Corporation utilised this property for the installation of the Edamon-Kochi Electric Line, which necessitated a corridor width of 46 meters, and thus 5.48 Ares of land was taken by the Power Grid Corporation for the 46-meter line corridor. He asserted that the presence of this high-tension line has resulted in a substantial diminution in the market value of his entire remaining landholding. To substantiate his claim for enhanced compensation, he produced the following documents: Exhibit A1, the common judgment in OP (Ele) 150/19 of the District Court, Kottayam, which he claimed involved land similar in nature and location to his own; Exhibit A2 Series, Tax receipts dated 24/01/2022 and 31/05/2022, confirming his possession and ownership of the subject property; Exhibit A3 Series, Official notices (No. 193/A0 and 193/B0) issued by the Power Grid Corporation regarding the acquisition and project details. When questioned about the specifics of the installation, he maintained that the electric line corridor spans 46 meters and confirmed that the line passes directly through his property. Regarding the land's valuation and geographical advantages, he was

questioned about the proximity of his property to public amenities compared to those of nearby petitioners. He stated that the distances from these properties to schools and other landmarks vary, ranging from approximately 10 to 300 meters.

17. The learned counsel for the petitioners raised the contention regarding the extent of the line corridor and the tower base as follows. OP 124/22 related to a 3.30 ares line corridor; in OP 154, 9.13 Ares for the line corridor; OP 172/22, covered a 13.83 ares line corridor and 0.42 ares for a tower; OP 156/23, concerning a 3.17 ares line corridor, OP 175, 3.66 Ares of line corridor, and 1.82 Ares for the tower base.
18. However, the respondents contend that the figures above are not fully correct. They stated the figures as follows;
 1. **OP 124/2022:** The officially measured and compensated line corridor is 3.28 Ares (comprising 3.27 Ares and 0.01 Ares), not 3.30 Ares.
 2. **OP 154:** Admitted 9.13 Ares as line corridor in three survey numbers (Ext. X17).
 3. **OP 156/2023:** Admitted the line corridor area for this case is 3.17 Ares in Sy.No98/2-4 (Ext. B42)
 4. **OP 172/2022:** Total extent of line corridor is 13.85 Ares, as per Exts. B34 and B35, and Exts. X23 to X25 (As per Para. 14 of the objection of R1), and not 13.83 Ares. However, the standing area of the tower is correct, i.e., 0.42 Ares.
 5. **OP 175/2022:** The line corridor area affected, as per Exts. B5 to B10, Exts. X4 to X7 is 5.48 Ares (0.23 in Sy. No. 431/7-2, 3.43 Ares in Sy. No.431/11/-1, and 1.82 in Sy.

No.431/7-2), not 3.66 Ares. The tower base area is 1.48 Ares (not 1.82 Ares).

19. The respondents further vehemently dispute the petitioners' assertions that their entire properties were rendered useless or that the diminution of value applies indiscriminately to a 46-meter-wide corridor. The respondents object that the land has not been acquired; only the right of way is utilised, and agricultural activities can safely continue beneath the lines. Consequently, the respondents only admit to and compensate for a 16-meter-wide line corridor directly under the conductors. The respondents support their 16-meter calculation using the Plans/Sketches of the Line Corridor Area, which are admitted in evidence. However, the petitioners failed to prove that 46 meters is the total affected area. Hence, the respondents' contention is accepted.
20. Where transmission towers were physically erected on a petitioner's property, the respondents admit to the specific area occupied by the tower footprint and compensate for it at 100% of the land value (which is fixed at 5 times the fair value of the land). In OP 175/2022, the respondents acknowledge the utilisation of 1.48 Ares of land for the tower base. Such admissions are supported by the Detailed Valuation Statements of Land Used for PowerGrid Corporation (Ext. B10). In OP 172/22, an extent of 0.42 Ares was utilised for the tower, which is admitted by R1.
21. The power to draw electricity lines without the owner's consent is granted by Section 164 of the Electricity Act, 2003, which invokes the powers under the Indian Telegraph Act, 1885. However, this power is not absolute; it is subject to the corresponding duty under

Section 10(d) of the Telegraph Act to pay "full compensation to all persons interested for any damage sustained by them". The expression "full compensation" means a just equivalent of what the owner has been deprived of.

22. The Hon'ble Supreme Court, in **K.S.E.B. v. Livisha**¹, has authoritatively held that there can be no fixed formula for determining compensation and each case must be decided on its own merits. The Apex Court laid down several determinative factors, including the *situs* of the land, the value of the land, the extent of the line thereon, and the extent to which the owner loses the substantive right to use the property.
23. The petitioners have claimed a market value of ₹10,00,000/- per cent, whereas the respondents have based their calculations on the notified fair value, which is significantly lower. The burden is on the petitioners to prove a higher market value. In this regard, the petitioners have produced and relied upon Ext. A1, a common judgment of the Addl. District Court-1, Kottayam, in O.P.(E.A.) Nos. 167/2019 and connected eight cases. That judgment pertained to properties in the nearby Kuravilangadu Village, also affected by the same 400 KV line. In that judgment, the Court, after considering the properties' location near the M.C. Road and their commercial potential, fixed the market value at ₹4,00,000/- per cent.
24. However, in these cases, no evidence has been adduced, i.e., no witness was examined, or no document was produced, or an advocate commission was taken out to prove that the properties

covered by Ext.A1 are identical to the properties covered by these cases under consideration. The properties in these cases and those in Ext.A1 are situated in different taluks (Meenachil and Kottayam Taluks). So, the valuation in Ext. A1 cannot be made applicable to the cases at hand.

25. The details regarding the extent of the affected area, fair values applied, displacement allowances, tower base compensation, and total compensation are shown below;

1. ELE OP 124/2022 (Petitioner: P.T. Jose)

Relevant Exhibit: Ext. X28 (Line Corridor DVS)

Extent of Affected Area: The line corridor utilised a total of 3.28 Ares (comprising 3.27 Ares in Re.Sy. No. 321/1-2 and 0.01 Ares in Re.Sy. No. 321/1-3).

Fair Value Applied: An **enhanced** fair value of ₹1,40,000 per Are was applied for both sub-divisions.

Displacement Allowance & Corridor Compensation: The displacement allowance granted was ₹9,36,409 (for 3.27 Ares) and ₹1,591 (for 0.01 Ares). Including the ex-gratia portion, the total property compensation for the corridor was fixed at ₹11,19,529 and ₹2,151. ₹1,00,000 was granted as a Special Package, and thus, **totalling ₹12,21,680**. (In the objection of Respondents 2 and 4, there's a calculation error in the total corridor compensation as ₹12,19,528, because it omitted to add ₹2151 in column No.21 of Ext.X28 awarded for 0.43 Ares in Sy.No.197/6-3)

Tower Base Compensation: Nil.

Total Compensation: Adding ₹2,20,966 for trees (Ext. X27), the overall total compensation given was ₹14,42,646.

2. ELE OP 154/2022 (Petitioner: Benny Joseph)

Relevant Exhibit: Ext. X17 (Line Corridor DVS)

Extent of Affected Area: The line corridor affected a total of 9.13 Ares (comprising 3.13 Ares in Re.Sy. 15/5-3, 4.09 Ares in Re.Sy. 15/5-1, and 1.91 Ares in Re.Sy. 15/5-2).

Fair Value Applied: An **enhanced** fair value of ₹40,000 per Are was strictly applied across all three sub-divisions.

Displacement Allowance & Corridor Compensation: The displacement allowance was calculated as ₹1,42,273, ₹59,491 and ₹27,782, respectively, for the sub-divisions. Including the 40% ex-gratia, the total property compensation for the corridor was fixed at ₹1,92,353, ₹1,24,931, and ₹58,342 (**Totalling ₹3,75,626**).

Tower Base Compensation: Nil.

Total Compensation: Adding ₹2,91,446 for trees (Ext. X15), the overall total compensation given was ₹6,67,072.

3. ELE OP 156/2023 (Petitioner: Siby Kurian)

Relevant Exhibits: Ext. B42 (Line Corridor DVS).

Extent of Affected Area: The line corridor affected 3.17 Ares in Re.Sy. No. 98/2-4.

Fair Value Applied: The compensation was calculated using the **enhanced** fair value of ₹1,40,000 per Are.

Displacement Allowance & Corridor Compensation: The displacement allowance granted was ₹2,59,364. Including

the ex-gratia, the total property compensation for the corridor was fixed at **₹3,10,084.**

Tower Base Compensation: Nil.

Total Compensation: Adding ₹1,70,792.19 for trees (Ext. B39), the overall total compensation given was ₹4,80,876.19.

4. ELE OP 172/2022 (Petitioners: Mary Kuruvilla & Shoj Kuruvilla)

Relevant Exhibit: Ext. X25 (Line Corridor DVS),

Extent of Affected Area: The line corridor affected- 13.85 Ares, as admitted by R1. Additionally, 0.42 Ares was utilised for erecting the tower base in Sy 277 (Ext.X23).

Varying Fair Values Applied: For the line corridor, an **enhanced** fair value of ₹1,00,000 per Are was applied. For the tower base area, an enhanced fair value of ₹82,500 per Are was used (calculated from a base register value of ₹50,000 plus 50% and 10% enhancements).

Displacement Allowance & Corridor Compensation: The total displacement allowance for the corridor was **₹23,70,813** (As per Para 14 of the objection of R1, including ₹2,38,657 deducted towards income tax).

Tower Base Compensation: The 0.42 Ares tower standing area was compensated at 5 times the enhanced fair value (₹82,500 per Ares x 5), totalling ₹1,73,250.

The total property compensation and the tower base compensation: ₹25,44,063.

5. ELE OP 175/2022 (Petitioner: P.T. Ulahannan)

Relevant Exhibit: Exts. X4, X5 & X6 (Line Corridor DVS).

Extent of Affected Area: The line corridor affected 5.48 Ares (comprising 0.23 Ares in Re.Sy. 431/7-2, 3.43 Ares in Re.Sy. 431/11-1, and 1.82 Ares in Re.Sy. 431/7-2). Additionally, 1.48 Ares was utilised for erecting the tower base in Sy 431/7.

Varying Fair Values Applied: The corridor compensation was fixed at an **enhanced** fair value of ₹1,00,000 per Are. The tower base area was calculated using the fair value of ₹82,500 per Ares.

Displacement Allowance & Corridor Compensation: The displacement allowance for the corridor portions was ₹26,136, ₹1,24,727, and ₹2,06,818. The total property compensation for the corridor was fixed at ₹35,336, ₹2,61,927, and ₹2,79,618 (Totaling ₹5,76,881).

Tower Base Compensation: The 1.48 Ares tower standing area was compensated at 100% of 5 times the enhanced fair value, totalling ₹6,10,500.

The total property compensation and the tower base compensation: ₹11,87,381.

26. The primary objective behind the government's notification of fair values is strictly fiscal; it serves as a baseline to prevent the undervaluation of properties during document registration and to secure appropriate stamp duty revenue. It is widely acknowledged that this official fair value rarely, if ever, reflects a property's actual, prevailing market value or its commercial potential in real time.

Considering this significant disparity between official registers and market realities, calculating damages based strictly on the basic or "enhanced" fair value is inherently flawed. It fundamentally fails to satisfy the statutory mandate of Section 10(d) of the Indian Telegraph Act, 1885, which explicitly requires the authority to pay "full compensation" to all interested persons for any damages sustained due to the exercise of their powers in drawing transmission lines. The legal concept of "full compensation" translates to providing the landowner with a "just equivalent" of the exact utility, developmental potential, and financial value they have been deprived of. Because the drawing of overhead lines imposes severe and permanent restrictions on the property's future use within the line corridor, merely offering a slightly enhanced theoretical book value does not adequately cover the actual commercial loss suffered by the owner. Therefore, upon an objective and pragmatic analysis, adopting a multiplier of three times the enhanced fair value represents a highly reasonable and necessary metric to achieve this "just equivalent." Applying this multiplier ensures that landowners receive the full, true compensation guaranteed to them under the law for the deprivation caused by the overhead lines.

27. Based on the principle that "full compensation" for the deprivation caused by the drawing of the overhead lines equates to three times the enhanced fair value, the revised compensation for the line corridor is calculated by multiplying the exact affected area by this new rate ($3 \times \text{Enhanced Fair Value per Are}$). For properties where a Tower Standing Area exists, the originally granted tower

compensation is retained and added to the revised corridor amount, as the tower base was already compensated at a higher rate (five times the base fair value, representing 100% of the land value) for permanent deprivation. The following is the revised total land compensation for each case:

1. ELE OP 124/2022 (P.T. Jose)

Corridor Compensation Already Granted: **₹12,21,680**
(comprising ₹12,19,529 (Including Special Package of ₹1,00,000 and corridor compensation of ₹11,19,529 and ₹2,151).

Enhanced Corridor Compensation (3x): $3 \times ₹12,21,680 = ₹36,65,040$

Less Already Granted: ₹12,21,680

Balance Amount Due: **₹24,43,360**

2. ELE OP 154/2022 (Benny Joseph)

Corridor Compensation Already Granted: **₹3,75,626**
(comprising ₹1,92,353, ₹1,24,931 and ₹58,342, across different sub-divisions).

Enhanced Corridor Compensation (3x): $3 \times ₹3,75,626 = ₹11,26,878$

Less Already Granted: ₹3,75,626

Balance Amount Due: **₹7,51,252**

3. ELE OP 156/2023 (Siby Kurian)

Corridor Compensation Already Granted: **₹3,10,084.**

Enhanced Corridor Compensation (3x): $3 \times ₹3,10,084 = ₹9,30,252$

Less Already Granted: ₹3,10,084

Balance Amount Due: **₹6,20,168**

4. ELE OP 172/2022 (Mary Kuruvilla & Shojo Kuruvilla)

Corridor and tower Compensation Already Granted: ₹25,44,063.

(comprising ₹23,70,813 for the line corridor and ₹1,73,250 for tower base).

Enhanced Corridor Compensation (3x): $3 \times ₹25,44,063 = ₹76,32,189$

Less Already Granted: ₹25,44,063

Balance Amount Due: ₹50,88,126

5. ELE OP 175/2022 (P.T. Ulahannan)

Corridor Compensation Already Granted: ₹11,87,381 (comprising ₹26,136, ₹1,24,727, and ₹2,06,818. The total property compensation for the corridor was fixed at ₹35,336, ₹2,61,927, and ₹2,79,618 across the affected subdivisions and ₹6,10,500 for the tower base).

Enhanced Corridor Compensation (3x): $3 \times ₹11,87,381 = ₹35,62,143$.

Less Already Granted: ₹11,87,381

Balance Amount Due: ₹23,74,762

28. The petitioners' claims that the extent of the right-of-way (RoW) corridor was 46 meters, thereby permanently restricting their rights and diminishing the land's utility and market value, are not proved; they are hence rejected, for the reasons stated below.
29. Especially, the petitioners failed to prove that a 46-meter RoW corridor was, in fact, taken or enforced over their properties. They did not provide any independent evidence, such as a survey commission report, to physically measure and prove that a 46-meter-wide corridor was actually utilised, nor did they establish the extent of any restrictions virtually imposed on either side of the actual area

located directly under the overhead line. In contrast to the petitioners' unsubstantiated assertions, the official survey sketches, plans, and Detailed Valuation Statements (DVS) produced by the respondents explicitly establish that the land utilised and calculated for the line corridor has a width of exactly 16 meters. The special compensation package formulated by the Government of Kerala for this project specifically limits the ex gratia and displacement allowance to this 16-meter-wide corridor.

30. Furthermore, there are several legal and factual reasons to reject the petitioners' claim of permanent and total restriction: under Section 10(b) of the Indian Telegraph Act, 1885, the authority acquires only the right of user in the property, not absolute ownership; the respondents have explicitly confirmed in their objections that the land for the right of way is not acquired and that agricultural activities are legally allowed to continue beneath the transmission lines, and the petitioners' sweeping allegation that the directly affected area cannot be used for any purpose whatsoever, not even to cultivate crops, has been strongly denied by the respondents, and the petitioners failed to discharge the burden of proving the challenged fact. Therefore, in the absence of an advocate commissioner's report or any concrete field evidence proving the actual deprivation and permanent restriction over a 46-meter wide strip of land, the petitioners' claim for compensation based on a 46-meter corridor is baseless and legally unsustainable.
31. **Issue No.6.** The petitioners, except the petitioner in OP 124/2022, have pointed out that they are denied compensation for the "**Special Package**" illegally. In the DVS prepared for the line corridors

(Exts. X5, X6, X11, X17, and X25), there is a specifically designated column for "Special Package" (Column 16). However, for all the petitioners in these cases, except the petitioner in OP 124/2022, this column has been left completely blank. Their "Grand Total" (Column 17) consists entirely of the standard corridor compensation, which is the sum of the ex gratia land value and the displacement allowance. The respondents argue that this is payable only if an existing house is affected. This contention is too narrow. The drawing of a high-tension line permanently sterilises the land from any future construction of a residential house. This loss of a fundamental right to build a dwelling on one's own property is a significant and tangible damage. The provision for a "Special Package" in the official valuation format must be interpreted to cover such injurious affection. Denying this on the technical ground that no house *currently* exists would be unjust. Therefore, this court holds that all petitioners, except the petitioner in OP 124/2022, are entitled to the ₹1,00,000/- Special Package for the loss of future potential and utility of their land. This point is found in favour of the petitioners.

32. Based on the findings above, the total compensation due to each petitioner is calculated as follows:

A. O.P. (E.A.) No. 154/2022 (Petitioner: Benny Joseph)

Total enhanced compensation for land: ₹7,51,252

Special Package: ₹1,00,000/-

Total Compensation due: ₹8,51,252

B. O.P. (E.A.) No. 156/2023 (Petitioner: Siby Kurian)

Total enhanced compensation for land : ₹6,20,168

Special Package: ₹1,00,000/-

Total Compensation due: ₹7,20,168

C. O.P. (E.A.) No.172/2022 (Petitioners: Mary & Shojo Kuruvilla)

Total enhanced compensation for land and **Tower Base Area: ₹50,88,126**

Special Package: ₹1,00,000/-

Total Compensation Admissible: ₹51,88,126

D. O.P. (E.A.) No. 175/2022 (Petitioner: P.T. Ulahannan

Total enhanced compensation for land and **Tower Base Area: ₹23,74,762**

Special Package: ₹1,00,000/-

Total Compensation Admissible: ₹24,74,762

33. **Issue No. 7:** The petitioners have claimed interest at 12% per annum. While the Telegraph Act does not specify a rate, courts have consistently awarded interest to compensate for the delay in receiving just compensation. Considering the prevailing bank rates and to ensure fairness, this Court finds it appropriate to award simple interest at the rate of 9% per annum on the enhanced compensation amount, from the date of the cause of action as pleaded in the respective petitions, until the date of realisation.

34. **Issue No. 8: In the result, the Original Petitions are allowed in part as follows:**

I. The petitions against the 3rd Respondent (KSEB) are hereby dismissed.

II. The 1st, 2nd, and 4th respondents are jointly and severally directed to pay the following enhanced compensation to the respective petitioners:

1. To P.T. Jose (O.P. No.124/2022): ₹24,43,360/- (Rupees Twenty Four Lakhs, Forty-Three Thousand, Three hundred and Sixty only).
2. To Benny Joseph (O.P. No.154/2022): ₹8,51,252/- (Rupees Eight Lakhs, Fifty-One Thousand, Two Hundred and Fifty-Two only).
3. To Siby Kurian (O.P. No.156/2023): ₹7,20,168/- (Rupees Seven Lakhs, Twenty Thousand, One Hundred and Sixty-Eight only).
4. To Mary Kuruvilla & Shojo Kuruvilla (O.P. No.172/2022): ₹51,88,126/- (Rupees Fifty-One Lakhs, Eighty-Eight Thousand, One Hundred and Twenty-Six only).
5. To P.T. Ulahannan (O.P. No.175/2022): ₹24,74,762/- (Rupees Twenty-Four Lakhs, Seventy-Four Thousand, Seven Hundred and Sixty-Two only).

III. The aforesaid amounts shall carry simple interest at the rate of 9% per annum from the date of petition to the date of full and final payment.

IV. The petitioners are entitled to proportionate costs from the respondents 1, 2, and 4.

Dictated to the Dictation Software, corrected and pronounced by me in open court on this, the 10th day of April, 2026.

Sd/-
Dr. Satheesh Kumar V
Addl. District Judge-IV

APPENDIX

Exhibits marked for the Petitioner in :-

OP 175/2022

A1	- 17.02.2023	Common Award in OP(ele) Nos. 167/19,149/19, 150/19, 152/19, 154/19, 157/19, 159/19, 160/19, and 184/19
A2	- 24.01.2022	1. Land Tax receipts
series		2. Land Tax receipts
A3	- 16.11.2021	1. Notice No. 193/A/0-193/0
Series		2. Notice No. 193/B /0-193/A/0

Exhibits marked for the Respondent No.1 :-

B1	-	29.08.2017	-	Attested copy of Notice issued by PGCIL
B2	-	08.09.2020	-	True copy of Mahazar
B2(a)	-	05.06.2018	-	True copy of Mahazar
B2(b)	-	08.09.2020	-	True copy of Mahazar
B2(c)	-	08.09.2020	-	True copy of Mahazar
B3	-	19.08.2017	-	True copy of list of trees issued by Special Tahsildar (LA POWERGRID), Kottayam.
B4	-	09.02.2018	-	True copy of valuation statement of damaged trees/crops under the construction of Edamon-Kochi Power Transmission Line.
B5	-	Nil	-	True copy of Survey sketch showing the corridor No. 193 A/0 to 193/0 in block No. 32,34 of Ayarkunnam village.
B6	-	Nil	-	True copy of Survey sketch showing the corridor No. 193 B/0 to 193 A/0 in block No. 32 of Ayarkunnam village.
B7	-	Nil	-	True copy of Survey sketch showing the corridor No. 193 A/0 to 193/0 in survey No. 431/7-2, block No. 32 of Ayarkunnam village.
B7(a)	-	Nil	-	True copy of Survey sketch showing the corridor No. 193 A/0 to 193/0 in survey No. 431/11-3 block No. 32 of Ayarkunnam village.
B7(b)	-	Nil	-	True copy of Survey sketch showing the corridor No. 193 B/0 to 193 A/0 in survey No. 431/7-2 of block No. 32 of Ayarkunnam village.
B7(c)	-	Nil	-	True copy of Survey sketch showing Tower No.193/40 (field No. 431/5,7) of block No. 32 of Ayarkunnam village.
B8	-	08.09.2021	-	Detailed Valuation statement showing the land value and displacement allowance to land owners in the width of right of way corridor between Tower No.193 A/0-193/0 of Edayam Kochi 400 KV Transmission line.
B9	-	13.09.2021	-	Detailed Valuation Statement between Tower No.193/B/0- 193/A/O of Edamn Kochi 400KV.
B10	-	Nil	-	Detailed Valuation statement of land used for Power Grid Corporation of India Limited . - Case

No.KELV/KTM-63/18 of tower location No. 193/A/0 of block No.32 Sy.No.431/7 Ayarkunnam Village.

OP 175/2022

- B11 - 12.05.2018 - True copy of Notice issued by Power Grid Corporation of India Limited
- B12 - 08.09.2020 - True copy of mahazar
- B13 - 12.06.2018 - True copy of schedule of trees
- B14 - 03.12.2018 - True copy of valuation statement of damaged trees/crops under the construction of Edamon Kochi Power Transmission line (Notice No.11265)
- B15 - Nil - True copy of sketch (Block No.32)
- B16 - 02.12.2021 - Detailed valuation statement showing land value & displacement allowance to the land owners in the width of right of way corridor between Tower No.198/0-197/0 of Edaman Kochi (File No.KECV-76/2019)
- B17 - 08.09.2020 - True Copy of Mahazer
- B18 - Nil - True copy of survey sketch by Special Tahasildar (Field No.325/1-2, Block No.32)

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- B19 - 12.05.2018 - True copy of the Notice issued by Power Grid Corporation of India Limited
- B20 - 15.09.2020 - True copy of sketch mahazer prepared on 15.09.2020 of survey No.15/5-2
- B21 - 15.09.2020 - True copy of sketch mahazer prepared on 15.09.2020 of survey No.15/5-1
- B22 - 15.09.2020 - True copy of mahazer prepared on 15.09.2020 of Survey No.15/5-3
- B23 - 19.05.2018 - True copy of schedule of trees (TP-43/8040)
- B24 - 31.10.2018 - True copy of valuation statement of damaged trees crops under the construction of Edamon-Kochi Power transmission line (Between Tower No.1890-190/0, Notice No.11363)
- B25 - 17.03.2020 - True copy of survey sketch of block No.43, Koorappada Village.
- B26 - Nil - True copy of survey sketch of 0.0191 hectrs in

- survey No.15/5-2 of Koorappada Village.
- B27 - Nil - True copy of Survey sketch of 0.409 hectars in Survey No.15/5-1 of Kooroppada Village.
- B28 - Nil - True copy of Survey sketch of 0.313 hectars of land in Survey No.15/5-3 of Koorappada Village
- B29 - 04.06.2021 - True copy of detailed valuation statement showing the hand value and displacement allowance to the land owners in the width of right of way corridor between towers No.190/- 189/0 of Edaman Kochi(Block-43, Kooroppada Village)

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- B30 - 31.05.2018 - True copy of Notices (2)
&
13.10.2017
- B31 - Nil - True Copy of site Mahazars (4Nos)
- B32 - 20.10.2017 - True Copy of Schedule of trees
- B33 - 31.05.2017 - True Copy of detailed valuation statement of damaged trees/Corps
- B34 - 01.03.2021 - True copy of valuation statement showing the land value and displacement allowance.
- B35 - Nil - True copy of Survey sketch

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- B36 - 12.05.2018 - True copy Notice issued by Power Grid Corporation of India Limited
- B37 - Nil - True copy of Mahazar
- B38 - Nil - True copy of Mahazer
- B39 - 12.05.2018 - True copy of valuation statement of damaged trees
- B40 - Nil - True copy of Survey sketch
- B41 - Nil - True copy of survey sketch
- B42 - 03.06.2021 - True copy of valuation statement
- B43 - 20.09.2021 - Copy of Order in OP(EA) No.209/2019 and 210/2019 of Additional District Court-1

OP 175/2022

- B44 - 19.11.2021 - Copy of order in OP(EA) 34/20 of Additional District Judge-I, Kottayam.

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- B45 - 30.11.2021 - Copy of order in OP(EA) No.206/2019 of Additional District Judge-1, Kottayam

OP172/2022

- B46 - 05.12.2016 - Copy of G.O.(MS) No.25/2016/POWER of power (c) department
- B47 - 17.03.2018 - Copy of G.O.(MS) No.6/2018/POWER of power (c) department
- B48 - 31.08.2016 - Copy of G.O.(MS) No.19/2016/POWER of power(c) department.
- B49 - 30.07.2015 - Copy of G.O.(MS) No.29/2015/PD of power (1) department

Court Exhibits :OP 175/2022

- X1 - 09.02.2018 - Copy of Detailed valuation statement of damaged Trees/Crops under the construction of Edamon Kochi Power Transmission Line, between Tower No.193/A/O
- X2 - 07.12.2018 - Copy of Detailed valuation statement of damaged Trees / Crops under the construction of Edamon Kochi Power Transmission Line, between Tower No. 193/O-193/A/O, Notice No.11282.
- X3 - NIL - Copy of document showing compensation payment in Electricity OP.No.34/20 filed before District Court, Kottayam (Corridor 193/O, 193A/O, Kottayam)
- X4 - 03.09.2018 - Detailed valuation statement of land used for Power Grid Corporation of India Limited in Case No.KELV/KTM-63/18 of Tower location No.193/A/O
- X5 - 08.09.2021 - Detailed valuation statement showing the land value and displacement allowance to the land owners in the width of right of way between Tower No.193 A/0-193/0 of Edaman, Kochi (File No.KELV-85/2019)

- X6 - 13.09.2021 - Detailed valuation statement showing the land value and displacement allowance to the land owners in the width of right of way between Tower No.193 B/0-193/A0 (File No.KELV-84/2019)
- X7 - Nil - Copy of Sketch of corridor No.193B/0 to 193A/0 in block No.32 of Ayarkunnam

OP 156/2023

- X8 - 12.05.2018 - Copy of valuation statement of damaged trees/crops
- X9 - Nil - Copy of compensation paid in electricity OP.No.210/2019 filed before District Court, Kottayam.
- X10 - Nil - Copy of Survey sketch
- X11 - 03.06.2021 - Copy of valuation statement
- X12 - Nil - Acknowledgment receipt
- X13 - 30.07.2015 - Copy of G.O.(Ms) No.29/2015/PD of Power (c) Department
- X14 - 31.08.2016 - Copy of G.O.(Ms) No.19/2016/Power of Power (c) Department

OP 154/2022

- X15 - 17.10.2018 - Valuation statement of damaged trees/crops under the construction of Edamon-Kochi Power Transmission line, between tower 189/0-190/0, Notice No.11363 dated 12/5/18
- X16 - Nil - Copy of compensation payment details of electricity OP.No.206/19 filed before the District Court, Kottayam
- X17 - 04.06.2021 - Copy of detailed valuation statement showing the land value and displacement allowance to the land owners in the width of corridor between Tower No.190/ - 189/0 of Edamon Kochi (File No.KECV-90/2019)
- X18 - 17.03.2020 - Copy of Survey sketch in block No.43 of Kooroppada village
- X19 - Nil - Acknowledgment receipt with proceeding date 14.03.2022
- X20 - 19.04.2022 - Copy of page of head clerk's Receipt book (civil register 61) with No.RCO 2/22-23

OP 172/2022

- X21 - 13.10.2017 - Detailed valuation statement of damaged trees/crops
- X22 - 31.05.2018 - Detailed valuation statement of damaged trees/crops
- X23 - Nil - Copy of Mahazar
- X24 - Nil - Copy of survey sketch
- X25 - 01.03.2021 - Copy of detailed valuation statement showing the land value and displacement allowance
- X26 - Nil - Acknowledgment - Receipt

OP 124/2022

- X27 - 07.12.2018 - Copy of valuation statement of damaged trees/Crops under the transmission of Edaman-Kochi Power Transmission line, between Tower 197/0-198/0, Notice No.11265.
- X28 - 14.10.2020 - Copy of valuation statement showing the land value and displacement allowance to the land owners in the width of right of way corridor between Tower No.198/0-197/0 of Edamon Kochi.
- X29 - Nil - Acknowledgment receipt of payment details

Witness Examined for Petitioner : -

PW1	-	04.09.2024	-	P. T. Ulahannan
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Witness Examined for Respondents : - NIL

Id/-
Addl. District Judge- IV

// True Copy //

Copied by :

Compared by :

Sd/-
Dr. Satheesh Kumar V
Addl. District Judge-IV