IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE-II, PALAKKAD
Present: Shri. D.Sudheer David, Additional District Judge – II

Saturday, the 30th day of May, 2026
9th day of Jyaishta, 1948 S.E

ORIGINAL PETITION (ELECTRICITY) No.123/2024

Petitioner:
Hariharan.K., aged 66 years, S/o Late Krishnan,Cheriyakalliyampara House, Parasikkal, Vadakarapathy Post, Chittur Taluk, Palakkad District – 678556.
By Advocates: **Shri.M.R.Manikandan and Smt. Sandhya.V.**

Respondents:

1. Power Grid Corporation of India Limited, Vengodi Post, Cherottuveli, Para, Elapully, Palakkad – 678622.
2. Special Tahsildar (LA), Power Grid Corporation of India Ltd, 2/27, Sreerangam Gardens, Kuppiyodu Road, Chandranagar – 678007.

By Advocate: **Shri.T.V.Praveenkumar**

This petition having been filed under section 10 (d) and 16(3) of the Indian Telegraph Act 1885, and Section 164 of the Indian Electricity Act 2003.

This petition having been heard on 23.05.2026 and this court on 30.05.2026 passed the following:

O R D E R

This Original Petition is filed under section 164 of the Indian Electricity Act 2003 read with Sections 10 and 16 of Indian Telegraph Act 1885, claiming compensation for the damage that the petitioner sustained by the act of the respondent drawing overhead Electric Line, namely, 320 K.V from Pugalur – Thrissur Line [Kerala Portion] through that property, resulting in the cutting and removing of coconut and other trees stood in his property and causing diminution of the market value of it. According to the petitioner, his property measures 2.91 acres. It was planted with variety of trees and the respondent cut and removed considerable number of it. The details of the trees cut and removed are:- 36 teak of 20 years, 35 teak plants of 5 years, 1 Sandalwood tree of 15 years, 10 Sandalwood plants 5 years, 10 Neem tree of 20 years, 8 Mango trees of 10 years, 5 Mango plants of 5 years, 1 Jackfruit tree of 10 years, 10 Jackfruit plants of 5 years, 3 turmeric trees of 5 years, 5 Guava trees of 5 years, 65 Jungle trees of 6 to 35 years, 80 Jungle tree plants of 5 years, 3 Lemon tree plants of 5 years, 1 Badam tree of 6 years, 5 Gooseberry trees of 8 years, 1 Karuvepu tree of 10 years, 1 Curry leaf tree of 10 years, 5 Drumstick trees of 10 years, 15 Papayas of 3 years, 65 Coconut trees of 10 years, 7 Coconut plants of 5 years and 35 palm trees of 10-years. It described most of these valuable trees as jungle trees and paid nominal amount for it. The logs of most of those trees could be used for making furniture and materials for industries. Even if it could not be used for those purposes, it could be used as firewood. The compensation ordered for those trees, altogether was ₹28,90,241/- (Rupees twenty eight lakh ninety thousand two hundred and forty one only). It is so meager and not commensurate with its actual value.

2. With respect to the coconut trees, he was getting 400 coconuts from each tree. The price of a single coconut at that time was ₹20/- (Rupees twenty only). The future lifespan of his 65 coconut trees is 50 years. These data, when worked out as per Park's Table, he would have got an amount of ₹55,048/- (Rupees fifty five thousand and forty eight only) from each coconut tree, making the total income he would have got from the 65 coconut trees is ₹35,78,120/- (Rupees thirty five lakh seventy eight thousand one hundred and twenty only). [55,048 x 65].

3. For the other trees, he is entitled to get an amount of ₹97,04,665/- (Rupees ninety seven lakh four thousand six hundred and sixty five only). He had

to spend ₹5000/- (Rupees five thousand only) for removing the cut logs of the trees from his property, which also he is entitled to get as compensation.

4. Likewise, he suffered damage because of the dimension of land value caused to his property by the overhead electric line. It divided the 2. 91 Ares property in to two halves. He is entitled to get ₹1,00,000/- (Rupees one lakh only) for the severance caused to his property. The drawing of the overhead electric line made it impossible for him to grow coconut or other trees in his property. He got only a meager amount as compensation for the property, when compare with its market value. The market value of similar properties is not less than ₹1,00,000/- (Rupees one lakh only) per cent. It makes the market value of his 2 acres 91 cents of property is ₹2,91,00,000/- (Rupees two crore ninety one lakh only) and when a depreciation of its value is taken, he is entitled to get half of the market value, namely ₹1,45,50,000/- (Rupees one crore forty five lakh fifty thousand only) as compensation for the dimension caused to his property by the drawing of the overhead electric line.

5. As such he is entitled to get an amount of ₹2,43,60,665/- (Rupees two crore forty three lakh sixty thousand six hundred and sixty five only) with solatium and interest from respondent for the damage caused to his property.

6. Respondent filed objection setting forth the contentions that it is a Government of India Enterprises under the aegis of Ministry of Power and is a Corporation of National importance incorporated as a Government company under the provisions of Companies Act 1956. It is aimed to develop efficient power

transmission system network throughout the country and to establish National Power Grid in the country. Accordingly, it was entrusted with the task of construction of + 320 KV HVDC Bipolar Pugalur – Thrissur transmission line, a scheme approved by Ministry of Government of India by Government of India to facilitate drawing of enhanced share of power. In connection with the drawing of that electric line, coconut and other trees in the property of the petitioner happen to be cut and removed. But it did not acquire any inch of the property. For the purpose of drawing overhead electric line notice was given to the petitioner against the trees legally to be damaged and also for Corridor Land Area of an extent of 0.1863 hectares. After that, special revenue unit inspected his property and assessed the line corridor and mahazer was prepared on 30.6.2020 against notice No. H407 along with the annexure notices H218 and H220 dated 22.2.2020, indicating the number of trees, nature of trees, its age, height, grith, yield, crops, location, number/tower, et cetera. Mahazer has been prepared stating the number of trees to be removed and also the Corridor Land Area. It is true that respondent had cut and removed coconut and other trees from the property of the petitioner. But the details of it given by the petitioner and value, he calculated are exorbitant and imaginary. The details of the coconut and other trees cut down and the value given to it are:- 10 Jungle trees of 3 years. An amount of ₹1,36,172/- (Rupees one lakh thirty six thousand one hundred and seventy two only) was given to it by calculating the price of the logs of it at ₹5,770/- (Rupees five thousand seven hundred and seventy only) per cubic metre. 65 yielding Coconut trees of 12 years. It was given with

₹17,55,000/- (Rupees seventeen lakh fifty five thousand only), calculated at the rate of rupees ₹27,000/- (Rupees twenty seven thousand only) per tree. 35 small Palm trees of 5 years. An amount of 1,05,000/- (Rupees one lakh five thousand only) was given for calculating it at ₹3000/- (Rupees three thousand only) per tree. Turmeric plant in 0.5 Ares of property. It is given with an amount of ₹37/- (Rupees thirty seven only) for 3 turmeric, calculating it at ₹3,00,000/- (Rupees three lakh only) per Acre. 45 Teak trees of 0.3 grith and having the age of 5 years. An amount of ₹19,800/- (Rupees nineteen thousand eight hundred only) was given for that by calculating at ₹88/- (Rupees eighty eight only) per tree. 5 Lemon trees of 4 years. It was given with ₹1500/- (Rupees one thousand five hundred only) by calculating at ₹300/- (Rupees three hundred only) per tree. 5 mango trees. It was given with ₹20,000/- (Rupees twenty thousand only) by calculating at ₹4000/- (Rupees four thousand only) per tree. 5 small Jackfruit trees of 5 years. An amount of ₹25,000/- (Rupees twenty five thousand only) was given to it calculating at ₹5000/- (Rupees five thousand only) per tree. 80 Jungle trees of four years, having a grith of 0.2. An amount of ₹28,160/- (Rupees twenty eight thousand one hundred and sixty only) was given to it calculating it at ₹88/- (Rupees eighty eight only) per tree. 7 non yielding coconut trees 5 year. An amount of ₹45,500/- (Rupees forty five thousand and five hundred only) was given to it at the rate of ₹6500/- (Rupees six thousand five hundred only) per tree. 1 Almond tree of 6 years. It was given with ₹9573/- (Rupees Nine thousand five hundred seventy three only) calculating it at ₹650/- (Rupees six hundred and fifty only) per kilogram. 1 Curry leaf tree of 7 years. An amount of ₹420/- (Rupees four hundred and twenty only) was given for calculating it at ₹60/- (Rupees sixty only) per year. 5 non-yielding Drumstick tree. It was given with ₹500/- (Rupees five hundred only) calculating it at ₹100/- (Rupees one hundred only) per tree. 5 fruit bearing Amla of 8 years. An amount of ₹12,500/- (Rupees twelve thousand and five hundred only) was given to it, calculating it at ₹2500/- (Rupees two thousand and five hundred only) per tree. 5 non-fruit bearing Guva trees of 5 years. It was given with the ₹5000/- (Rupees five thousand only) calculating ₹1000/- (Rupees one thousand only) per tree. 1 Jackfruit tree of 10 years. An amount of ₹15,000/- (Rupees fifteen thousand only) was given to it, calculating ₹15,000/- (Rupees fifteen thousand only) per tree. 8 Mango trees of 10 years. It was given with an amount of ₹80,000/- (Rupees eighty thousand only) calculating it at ₹10,000/- (Rupees ten thousand only) per tree. 10 Neem trees of 20 years, having a grith of 0.6. It was given with an amount of 17,600/- (Rupees seventeen thousand and six hundred only) calculating at ₹88/- (Rupees Eighty eight only). 15 fruit bearing papaya. An amount of ₹7500/- (Rupees Seven thousand and five hundred only) was given to calculating it at ₹500 /- (Rupees Five hundred only) per Papaya. 37 Teak trees of 20 years, having a grith of 5. It is given with an amount of ₹65,120/- (Rupees Sixty five thousand one hundred and twenty only), calculating it at ₹88/- (Rupees Eighty eight only) per tree. 55 Jungle trees of 6 years, having a grith of 0.6. It is given with an amount of ₹29,040/ (Rupees Twenty nine thousand and forty only), calculating it at ₹88/- (Rupees Eighty eight only) per tree. As such, a total amount of ₹23,78,602/- (Rupees Twenty three lakhs seventy eight thousand six hundred and two only) has been paid to the petitioner for the cut removed coconut and other trees. He received that amount without any protest. So, he cannot make any further claim for the cut and removed trees. His property is a double crop wet land and he can cultivate it with seasonal crops, cash crops dwarf varieties of trees in the varamb of it. As such he can utilize his property, notwithstanding the drawing of overhead electric line. Likewise, the petitioner is not entitled to get any amount as land value for the diminution of the land value. Respondent has not acquired any inch of the property of the petitioner in connection with the drawing of the overhead electric line. The width of the corridor falling right under the conductor is only 14 meters. There is a 15-meter safety buffer zone on either sides, making the affected area only in a width of 44 meters, which is the right of way (Row). The overhead electric line is passing about 70 feet height. It cannot cause any damage to the property below. Still, respondent has paid an amount of ₹7,44,203/- (Rupees Seven lakhs forty four thousand two hundred and three only) for the corridor land area assistant 0.1863 hectares, which is the actual affected area. Out of the amount, the share of the respondent and the share of KSEBL has been given to the petitioner, amounting to ₹5,11,639.57/- (Five lakhs eleven thousand six hundred thirty nine and five seven paisa only). The balance amount is to be given by the Government of Kerala. Apart from that,100% compensation for tower standing area is also sanctioned and given the share of the respondent and KSEBL, leaving only 7.5% share of the Government of Kerala. All this aspects makes it that, the petitioner is not entitled to claim any further amount as compensation from the respondent, as prayed for in the petition. So, it sought for the dismissal of this petition.

7. From the rival contentions, the following points are raised for consideration:-

1. Is the petitioner entitled to get additional compensation for the cutting and removing of 65 Coconut trees and 7 coconut plants from his property for the purpose of drawing 320 KV line Pugalur-Thrissur Powerline, as prayed for?
2. Is the petitioner entitled to get additional compensation for the other cut and removed trees from his property for the purpose of drawing 320 KV line Pugalur-Thrissur Powerline, as prayed for?
3. Is the petitioner entitled to get additional compensation for the severance of property, impossibility to carry out agriculture operations, there in and diminution of land value, resulting from the installation of the overhead electric line 320 KV line Pugalur-Thrissur Powerline, as prayed for?
4. Is the petitioner entitled to get additional compensation for the alleged diminution of land value caused to his property by the drawing of 320 KV line Pugalur-Thrissur Powerline, as prayed for?
5. What is the just and reasonable compensation to be paid to the petitioner for the damage she suffered by the erecting of tower and overhead electric line through her property?
6. Is the petitioner entitled to get interest on the compensation? If so, at what rate?

8. Petitioner gave evidence as PW1 and proved Exbts. A 1 to 10 and C1. Respondent did not adduce oral evidence, but got marked Ext. B1 to 12.

9. Heard both sides.

10. **<u>Points No. 1 to 5</u>** :- Admittedly, respondent, drew overhead electric line over the property of the petitioner, which is + 320 KV HVDC Bipolar Pugalur – Thrissur transmission line, which is meant to facilitate enhanced share of power.

The property of the petitioner is 2 Acres 91 cents. For the purpose of drawing that overhead electric line, respondent cut and removed a number of coconut and other trees in the property. Petitioner gave the details of the trees cut and removed, which are, 36 teak of 20 years, 35 teak plants of 5 years, 1 Sandalwood tree of 15 years, 10 Sandalwood plants 5 years, 10 Neem tree of 20 years, 8 Mango trees of 10 years, 5 Mango plants of 5 years, 1 Jackfruit tree of 10 years, 10 Jackfruit plants of 5 years, 3 turmeric trees of 5 years, 5 Guva trees of 5 years, 65 Jungle trees of 6 to 35 years, 80 Jungle tree plants of 5 years, 3 Lemon tree plants of 5 years, 1 Badam tree of 6 years, 5 Gooseberry trees of 8 years, 1 Karuvepu tree of 10 years, 1 Curry leaf tree of 10 years, 5 Drumstick trees of 10 years, 15 Papayas of 3 years, 65 Coconut trees of 10 years, 7 Coconut plants of 5 years and 35 palm trees of 10-years.

11. Petitioner claims enhanced compensation for all these trees, which requires to be considered on the basis of the evidence adduced by him.

12. With respect to the coconut trees, he claims two sets of amounts, namely, ₹35,78,120/- (Rupees Thirty five lakhs seventy eighty thousand one hundred and twenty only) for 65 yielding coconut trees and ₹3,88,045/- (Rupees Three lakhs eighty eight thousand and forty five only) for 7 coconut plants. It is based on the calculation that one yielding coconut tree would produce 400 coconuts, and as per the method adopted by him, that numbers were reduced to 225 coconuts and it is multiplied with the price he fixed for one coconut as ₹20/- (Rupees Twenty only), that made the value of one coconut tree ₹55,048/- (Rupees Fifty five thousand and forty eight only). This amount is applied to the total 65 yielding

coconut trees, that made the value of the 65-coconut tree ₹35,78,120/- (Rupees Thirty five lakhs seventy eight thousand only). In the case of 7 coconut plants also, he adopted the same method of calculation and fixed the price of one coconut plant at ₹55,435/- (Rupees Fifty five thousand four hundred and thirty five only), that made the value of the total number of coconut plants ₹3,88,045/- (Rupees Three lakhs eighty eight thousand and forty five only).

13. Petitioner gave evidence as PW1, reiterating the above method of calculation in his affidavit filed in lieu of chief examination. But in the cross examination he would admit that there are no records to prove the same. According to him, in rural areas there would not be any records to show the price of a coconut. However, he would answer to a pointed question that, he used to sell his coconuts to merchants, but there is no record to prove that transaction.

14. Needless to say, it is not a believable answer on the part of the petitioner, as it cannot not be expected in the ordinary course of natural events that, a coconut producer would not keep records showing the sale of the coconuts he made with merchants, especially when the transaction is in large quantity. There would definitely be records to show that transaction, as it would be the ordinary course of a prudent man to record the income that he is getting from the coconuts he produces. At least there would be witnesses who participate in that transaction, who could give evidence with respect to the sale of the coconuts by the petitioner to merchants in bulk quantity and the sale proceeds of it.

15. But petitioner did not opt to bring out these evidences, instead stood by his own testimony, by reproducing the averments in the petition. There is no explanation on his part as to why he could not adduce such evidences, which could be expected to be with a coconut producer. It necessarily invites adverse inference against him that, he is withholding those evidences, knowing that it would be unfavourable to him. This makes me to feel that it is not at all possible to assess the income that the petitioner was getting from his coconut trees that were cut and removed by the respondents. It in turn makes it impossible to calculate the value of the coconut trees and ascertain whether it is commensurate with the calculation of the value the petitioner made in this petition.

16. Here it is to be looked into that, respondent assessed compensation for the coconut trees of the petitioner at ₹27,000/- (Rupees Twenty seven thousand only) per yielding trees and ₹6500/- (Rupees Six thousand and five hundred only) per non-yielding trees. Accordingly, an amount of ₹17,55,000/- (Rupees Seventeen lakhs and fifty five thousand only) was fixed for the 65 yielding coconut trees and ₹45,000/- (Rupees Forty five thousand only) for the 7 non-yielding coconut trees. It cannot be found as unreasonable and inadequate amounts. No other evidence is available to show it otherwise that, the petitioner was getting more amount than what is calculated by the respondent. In these circumstances, I am of the view that, no finding as to the entitlement of the petitioner to get compensation more than what the respondent assessed to the coconut trees can be made in this case, especially when there is nothing in record to show that he had received that amount

from the respondent under protest so as to enable him seek for enhanced compensation for the cut and removed coconut trees.

17. This discussion makes me to find that it is not possible to grant enhanced compensation for the coconut trees cut and removed from the property of the petitioner for the purpose of drawing overhead electric line, especially when considering the public utility of that installation, which is advantages to the society at large.

18. Same is in the case of other trees cut and remove from the property of the petitioner. PW1 did not give any evidence to show that the other trees would get the prices he stated in scheduled given in the petition, totaling ₹57,38,500/- (Rupees Fifty seven lakhs thirty eight thousand and five hundred only). Among those trees, there are 10 items of trees that cannot be valued in terms of its logs, such as Drumstick, Palm tree, Pappaya, Goosbery tree, Guva tree, Turmeric plants, Lemon plant, Badam plant, Karuvepu and Curry leaf tree. It could be valued in terms of its yielding. But no evidence he adduced by the petitioner to show the yielding that he was getting from those items of trees. It makes no at all possible to fix the value of those items of trees.

19. With respect to the other trees, such as, Teak trees and its plants, Sandalwood tree and its plants, Jackfruit tree and its plants, Mango trees and its plants, Jungle trees and its plants, there is no evidence to prove the value of its logs so as to take a decision on the prayer of the petitioner to get enhanced compensation for it. Petitioner has no explanation why he did not adduce evidence with respect to

the value of the logs of those trees. It was very much possible for him to adduce evidence for the same. But he opted not to adduce it, making no chance other than to infer adversely against him. It makes no chance to grant enhanced compensation for the other trees standing in the property of the petitioner.

20. In this regard, it is seen, respondent had assessed ₹1,36,172/- (Rupees one lakh thirty six thousand one hundred and seventy two only) for 10 jungle trees, ₹1,05,000/- (Rupees One lakh and five thousand only) for 35 small Palm trees, ₹37/- (Rupees Thirty seven only) for turmeric in an area of 0.50 Ares, ₹19,800/- (Rupees Nineteen thousand and eighty hundred only) for 45 Teak trees, ₹1500/- (Rupees Thousand and five hundred only) for 5 Lemon trees, ₹20,000/- (Rupees Twenty thousand only) for 5 mango trees, ₹25,000/- (Rupees Twenty five thousand only) for 5 small Jack fruit trees, ₹28,160/- (Rupees Twenty eight thousand one hundred and sixty only) for 80 Jungle trees, ₹9753/- (Rupees Nine thousand seven hundred and fifty three only) for 1 almond tree, ₹420/- (Rupees Four hundred and twenty only) for 1 curry leaf tree, ₹50/- (Rupees Fifty only) for 5 non-yielding Drumstick, ₹12,500/- (Rupees Twelve thousand and five hundred only) for 5 fruit bearing Amla tree, ₹5000/- (Rupees Five thousand only) for 5 non-fruit bearing guava trees, ₹15,000/- (Rupees Fifteen thousand only) for 1 Jack fruit tree, ₹80,000/- (Rupees Eighty thousand only) for 8 Mango trees, ₹17,600/- (Rupees Seventeen thousand and six hundred only) for 10 Neem trees, ₹7500/- (Rupees Seven thousand and five hundred only) for 15 fruit bearing Papaya, ₹65,120/- (Rupees Sixty five thousand one hundred and twenty only) for 37 Teak

trees and ₹29,040/- (Rupees Twenty nine thousand and forty only) for 55 Jungle trees.

21. Nothing is there to find that these assessment of value of the trees were in the lower side, that caused loss to the petitioner. As a matter of fact, the logs of all those trees were handed over to the petitioner, making him not to suffer any damage by the loss of those trees. He could have got profit out of those logs. The failure of the petitioner to adduce evidence to prove the value of those trees makes it impossible to take the valuation of the trees he stated in the petition in preference to the valuation assessed by the respondents and thereby to grant him additional compensation as prayed for. So, the prayer of the petitioner to grant enhanced compensation for other trees and plants in his property cannot be allowed.

22. With respect to the value of property, which according to the petitioner happened to get divided in to two halves because of the drawing of overhead electric line, that caused depreciation of value and also deprivation of its utility, he would content that the market value of his property having a range of ₹1,00,000/- (Rupees one lakh only) per cent was diminished to half the rate because of the drawing of the overhead electric line. So also, it became impossible to cultivate it as like in the past. Actually, he had to keep it barren because of the presence of the electric line over it. So, he claimed for compensation for his property at the rate of its diminished market value, ie ₹1,45,50,000/- (Rupees One crore forty five lakh fifty thousand only).

23. In this regard it is to be noted that, respondent has specifically averred that it had assessed an amount of ₹7,44,203/- (Rupees seven lakh forty four thousand two hundred and three only) for the land affected by the drawing of the overhead electric line, which it fixed as 0.1863 hectares, which is equivalent to 46 cents. This extent of property is assessed as “corridor land area”, which covers the land beneath the electric line and the buffer zone in its either side. When the above said amount is worked out with the area the respondent assessed, it can be seen that the amount it fixed for 1 cent of property is ₹16,178/- (Rupees sixteen thousand one hundred and seventy eight only).

24. It is seen petitioner did not object this pleading of the respondent. So also, he did not give proof with respect to the extend of the property affected by the drawing of the overhead electric line and the market value of it, in order to ascertain whether a higher area got affected and a higher amount than what is fixed by the respondent is the actual market value of the property. Petitioner has no explanation for the same.

25. In this regard, it is to be noted that, the Advocate Commissioner in his Ext. C1 report would state that the overhead electric line runs through the middle of the 2 Acres 91 cents of property of the petitioner, cutting it into two halves. However, his report does not suggest that, the entire extent of land thereby got affected, whereas his report suggest that it is only that portion of the property that comes under the overhead, electric line and corridor area in its either side, which he described as freezing zone, having an extent of 24 meters from the center of the

line, was affected In other words, the other portions of the petitioner's property still is usable for agriculture purpose. As a matter of fact, coconut and palm trees in large number were found outside that particular portion of the property, making it to find that it was only the portion of the property beneath the overhead electric line and the corridor area in its either side that got affected by the drawing of the overhead electric line.

26. Petitioner did not file any objection to Ext. C1 report of the Advocate Commissioner, making me to accept that reporting that, it is only the property beneath the overhead electric line and the corridor area in its either side that got affected by the drawing of the overhead electric line. What is the extent of that portion of the property of the petitioner, over which the overhead electric line runs, and the corridor areas in its either side. Petitioner did not state it in the petition, nor has, he brought it out in evidence by bringing a survey plan showing that particular area of his property.

27. Petitioner has no explanation as to why he did not specify the actual area affected in his property by the drawing of the overhead electric line or bring out in evidence a survey plan showing that affected area. This, with the fact that he did not object the averment of the respondent that the actual area affected in the property of the petitioner is 0.1863 hectares, equivalent to 46 cents, I am of the considered view to accept that particular area calculated by the respondent as the actual affected area in the property of the petitioner by the drawing of the overhead electric line. This in turn makes claim of the petitioner to get enhanced

compensation for the damage caused to his property by the drawing of the overhead electric line to get confined to that particular extent of 0.1863 hectares, equivalent to 46 cents and not the entire 2 Acres 91 cents.

28. This discussion of the matter, makes it to find out the actual value of that 0.1863 hectares, equivalent to 46 cents of property, that got affected by the drawing of the overhead electric line through the property of the petitioner. As found above, petitioner's claims that 1 cents of property fetches ₹1,00,000/- (Rupees one lakh only), I feel is unacceptable for the reason that he did not adduce any sort of evidence to substantiate it. So also, the calculation of the respondent made for 1 cent of property at ₹16,178/- (Rupees sixteen thousand one hundred and seventy eight only) is not shown to be based on any acceptable method. None of the records produced by the respondent, proved the criteria on which it calculated that value of the property of the petitioner. So I am of the considered view that, the said calculation of the value of the property of the petitioner made by the respondent cannot be taken as true value of that property, so as to find that it is reasonably and adequately fixed by the respondent to be given as damages to the petitioner for the injury he suffered out of his property by the drawing of the overhead electric line.

29. This makes me feel it a just, and proper course to refix the value of the affected portion of the property of the petitioner so as to give him compensation commensurate with the damage he suffered out of his property. In this regard, it is seen that, the Advocate Commissioner in his Ext. C1 report has stated that, the property of the petitioner lies as a level land, bounded with well defined boundaries

in its four sides. The residential building of the petitioner situates there in, in which he and family resides. There is a small pond in the western side of the property, which is used for irrigation purposes.

30. Needless to say, this very nature and lie of the property of the petitioner prove its utility and potentiality, especially with the availability of its own source of water. It necessarily would scale of the value of the property, making me to find that, the value fixed by the respondent at ₹16,178/- (Rupees sixteen thousand one hundred and seventy eight only) per cent is in the lower side. It deserves more value than that amount fixed by the respondent, which makes me to make a reasonable enhancement of that amount. The criteria of reasonable enhancement, I feel, depends upon the utility and potentiality of the property, in which the factum of the utility of electric line drawn through the top of the property is also to be taken into account. It is a public utility installation, providing electricity to the society at large. It makes it unjust to overburden the respondent who draw that electric line, especially when, it could ultimately affect the consumers by way of a possible hike in electricity charges.

31. This particular situation makes me to think that, it is necessary to strick a balance, which makes me to fix the value of 1 cent the property of the petitioner at ₹20,000/- (Rupees twenty thousand only), making an enhancement of ₹3822/- (Rupees three thousand eight hundred and twenty two only). This enhancement, I feel is reasonable and unharmful to both sides. Accordingly, I refix the market value of the property of the petitioner at ₹20,000/- (Rupees twenty

thousand only) for 1 cent. This amount when calculated for the 0.1863 hectares of property, equivalent to 46 cents, the amount would be ₹9,20,000/- (Rupees nine lakh twenty thousand only) [20000 x 46]. It would be a reasonable and adequate amount to be fixed as compensation, to be given to the petitioner for the damage he suffered by the diminution of market value of his property because of the drawing of the high-power overhead electric line across his property. There cannot be any infirmity for that fixation, which I feel to be adequate and reasonable. So, I fix the damages to be given to the petitioner for the diminution of market value of his property he suffered because of the drawing of the overhead electric line across his property at ₹9,20,000/- (Rupees nine lakh twenty thousand) in total. Petitioner is entitled to get that amount as compensation for the diminution of value of his property that he suffered because of the drawing of the overhead electric line across his property.

32. Based on these discussions it is concluded that, petitioner is entitled to get a total damages of ₹9,20,000/– (Rupees nine lakh twenty thousand only) for the diminution of value of his property that he suffered because of the drawing of the overhead electric line across his property. Respondent has already fixed and paid ₹7,44,203/- (Rupees seven lakh forty four thousand two hundred and three only) to the petitioner. That amount is to be deducted from the additional compensation of ₹9,20,000/-(Rupees nine lakh twenty thousand only) fixed. This makes a balance of ₹1,75,797/- (Rupees one lakh seventy five thousand seven hundred and ninety seven only), which the petitioner is entitled to get from the

respondent additionally compensation for the damage he suffered by the diminution of value of his property, because of the drawing of the overhead electric line across his property. At the same time, he is not entitled to get any other amount as compensation for the cutting and removing of the coconut and other trees caused to his property. Points are answered accordingly.

33. **Point No.7** : In the result, the petition is partly allowed. Petitioner is entitled to get ₹1,75,797/- (Rupees one lakh seventy five thousand seven hundred and ninety seven only) as additional compensation he suffered for the diminution of market value of his property because of the drawing of the overhead electric line across his property. He is entitled to realise that amount, with 9% interest from February 2020, the month of drawing of the aforesaid electric line over his property, till realization with costs.

34. The prayer of the petitioner to get enhanced the compensation for the coconut and other trees cut and removed from his property is disallowed. Petitioner is entitled to realise costs of these proceedings from the respondent.

Prepared in Google doc voice typing app, corrected by me and pronounced in the open court on the 30th day of May 2026.

Sd/-
Additional District Judge-II

APPENDIX

Petitioner's witness examined:

PW1 06.03.2026 Hariharan

Petitioner's exhibits marked:

Ext.A1	19.01.1984	Copy of Partition deed No. 152/1984 of Chittur SRO.
Ext.A2	22.02.2020	Notice No.H 218
Ext.A3	22.02.2020	Notice No.H 407
Ext.A4	22.02.2020	Notice No.H 220
Ext.A5	14.08.2020	Notice No.H 0905
Ext.A6	02.09.2021	Notice No.H 2743
Ext.A7	20.12.2021	Notice No.H 930/21
Ext.A8	--	Notice of compensation issued by the 2nd Respondent
Ext.A9	06.06.2023	Copy of Account Statement
Ext.A10	06.06.2023	Copy of Account Statement

Respondent's Witness: **Nil**

Respondent's Exhibits:

Ext.B1	22.02. 2020	Annexure to Notice No.H407. Annexure No.H220
Ext.B2	14.08.2020	Copy of Certificate of compensation CCTC No.H0905
Ext.B3	30.06.2020	Mahazar
Ext.B4	--	Authorization of all payments through Electronic Fund transfer system/RTGS/NEFT given by the petitioner to the respondent. (Attested Copy)
Ext.B5	11.12.2018	Copy of the Front page of the pass book of the petitioner
Ext.B6	11.09.2020	Copy of Detailed Valuation Statement
Ext.B7	11.09.2020	Copy of Detailed Valuation Statement
Ext.B8	01.12.2020	Copy of Order of District Collector in file No. DCPKD/8441/2020-C4.
Ext.B9	20.01.2021	Copy of Proceedings of the Special Tahsildar LAPG in LA/B2/2020/PA-025.
Ext.B10	02.10.2021	Copy of Notice No. H2743
Ext.B11	26.02.2022	Copy of Order of District Collector in file No. DCPKD/8506/2021-C4.

Ext.B12	08.12.2022	Copy of Proceedings of the Special Tahsildar LAPG in LA/B3/2020/PTCL/PA – 022.

<u>Court Witness :</u> **Nil**

<u>Court Exhibits :</u>

Ext C1	21.07.2025	Commission Report

Sd/-
Additional District Judge-II

<u>Table of costs</u>

Petitioner's Costs Certified – Allowed (Costs list filed)

LBF	:	₹ 150/-
Stamp on Vakalath	:	₹ 5/-
Stamp on petitions	:	₹ 10/-
Stamp on Batta	:	₹ 85/-
Typing Charge	:	₹ 100/-
Senior Advocate Fee	:	₹ 10,000/-
Junior Advocate Fee	:	₹ 5,000/-
Total	:	**₹ 15,350/-**

Respondent's Costs not certified – Not allowed (Costs list not filed)

Sd/-
Additional District Judge-II

Typed by: Jiji.C.
Compared by:Aju Shery

Fair/Copy of Order in
OP (Electricity) 123/2024
Dated:30.05.2026