

IN THE COURT OF II ADDITIONAL DISTRICT JUDGE THRISSUR,

Present:

Smt. JAYA PRABHU, ADDL.DISTRICT JUDGE -II

Thursday, the 19th day of March, 2026/ 28th Phalguna, 1947.

E O P 92/2018

PETITIONER:- Prahladhan C.K, Aged 60 Years, S/o Choondanthuruthy
Kunjayyappan , Kunnappilly Desom, Kunnappilly PO,
Meloor Village, Chalakkudy Taluk, .

By Adv. Jomy John

RESPONDENTS:- 1. State of Kerala ,Rep.by District Collector, Thrissur
2. Deputy Manager , Power Grid Corporation of India Ltd.
Construction Area Office, 400/220, KV Sub Station,
Kumarapuram Po, Pallikkara, Ernakulam, Kochi- 683565
3. Special Tahasildar(LA) Power Grid Corporation of India
Ltd. ,Near corporation Bank, Kakkanad PO, Kochi-682030

R2- By Adv. M,K Girish Mohan

This petition has been come up before me for hearing on this day the court passed the following:

ORDER

This is a petition filed under sections 10 and 16 of the Indian Telegraph Act 1885 r/w section 51 of the Indian Electricity Act, 1910 for enhancement of compensation.

2. The case of petitioner in brief is as follows: The petitioner is the absolute owner in possession and enjoyment of the 37.74 ares of property in survey no 970/2 and 6.07 ares of property in survey no 971/1 of Meloor

Village which are obtained by him by virtue of partition deed no 1464/1981 and sale deed no 3765/2007 of Chalakudy SRO respectively. The properties are lying contiguously. The petitioner and his family members are residing in the house situated in the said property. For the purpose of drawing 400KV electricity transmission line Edamon -Kochi-Thrissur the respondent entered in to his property and cut down 10 coconut trees aged 10-12 years and 30 arecanut trees 10-12 years, 5 nutmeg trees aged 15 years, 5 jackfruit trees, 2 konna trees, 1 curry leaf tree, 2 vatta tree, 1 teak tree, 1 atha tree, 6 pepper vines and 7 other trees(kattu maram) and drew electricity supply line through the same. A mahazar dated 03.03.2011 was prepared by the respondent at the time of cutting down of the said trees. Apart from the trees mentioned in the mahazar some other trees also cut down from the property of petitioner. The respondent granted Rs.2,60,922/- on 24.01.2012 and Rs.45,240/- on 12.04.2012 and Rs.94,320/-on 12.02.2018 as compensation for the trees cut down from the property and it was received by the petitioner under protest. The respondent has calculated the compensation wrongly and without any basis. The age of trees, future life expectancy, gross yield value given to the trees, value of non yielding items, etc., calculated by the respondent are incorrect and without any basis. Due to the drawing of the line 377 bunch of bananas (Vazhakkula) and ginger cultivation in 60 sq feet of property also was destroyed. The petitioner's property is a high fertile land and the petitioner was conducting cultivation in the same in scientific manner. The drawing of 400 KV line divided the property of petitioner in two. The

petitioner cannot construct any building or carry out any agricultural operations on the property due to the drawing of the electric line. The drawing of the 400 KV line reduced the utility of property and it has diminished the market value of the property. Thus the petitioner is entitled to get compensation for the reduced utility and diminution of 90% of the market value of the property. The petitioner claims Rs.2,00,000/- as compensation for 10 coconut tress, Rs.3,00,000/- as compensation for 30 arecanut trees and Rs.3,50,000/- as compensation for 5 nutmeg trees and Rs.1,00,000/-for others trees cut down from the property and Rs.1,50,00,000/- as compensation for diminution of land value of the property. Altogether the petitioner claims Rs.1,56,65,118/- with 12% interest from 25.11.2011, ie., the date of cut down of tress from the property of petitioner as compensation for the tress/crops cut down from the property and for the diminution of land value of the property.

3. On receipt of notice the respondents 1 to 3 entered appearance. Respondent 1 and 3 filed joint counter and contended that they are not necessary parties to the proceedings and they are made parties to the proceedings to get over the contention of non-joinder of necessary parties. There are adopting the contentions of the respondent no 2.

4. Respondent no 2 filed counter and contended that the petition is not maintainable either on law or on facts. The compensation claimed for tree cutting is barred by limitation since the compensation amount were received by the petitioner in the year 2012. Hence the petition is liable to be dismissed. The petitioner has to prove the title, extent and possession of his property and

his claim as the property is a high fertile land and he is doing cultivation in the same. The 2nd respondent is entrusted with the task of construction of the Kochi-Thrissur 400KV Transmission Line by the Ministry of Power, Govt of India to facilitate evacuation of the power to be generated at Kudamkulam Nuclear Power Corporation of India Ltd, to facilitate Kerala to draw its share of Electricity. In order to assess the quantum of compensation and to disburse the compensation to the land owners a Special Revenue Unit has been sanctioned by Govt of Kerala headed by Special Thasildar. The respondent has issued notice to the petitioner vide notice no 3346, 3548 and 4411 dated 19.03.2010,20.01.2011 and 28.06.2011 respectively notifying that the Kochi-Thrissur line will be drawn through the petitioner's land along with details of likely damages to the standing trees/crops etc. Thereafter the Special Revenue Unit inspected the property falling along the Line Corridor and mahazar was prepared on 24.04.2010 and 03.03.2011 indicating the number of trees, nature of trees, age, height, girth, yield, tower no etc.. Thereafter detailed valuation statement was prepared by the Valuation Assistant, Village Assistant and Special Revenue Inspector by recourse to best available scientific methods and the same were verified by the Special Tahsildar (LA). The valuation statement contains number of trees,nature of trees, age, height, girth, yield, market value of yield and total compensation. The said draft valuation statement was approved by the District Collector Ernakulam and a sum of Rs.6000/-, Rs.2,60,922/-, Rs.45,240/-were issued to the petitioner as per DD nos 968560, 492929, 497221 respectively and the petitioner has received the

same on 19.08.2010, 24.01.2012 and 12.04.2012. Moreover an amount of Rs.94,320/- was granted to the petitioner as Ex-gratia (Line Corridor) payment for 7.68 ares of property for the diminution of value of land and the petitioner has received the same without any protest. The payment of Rs.6000/- not mentioned in the petition. The petitioner has not raised any objection during the process of preparing mahazar and the whole process was transparent. The timber of all cut down trees were given to the land owners. The compensation paid to the petitioner is adequate, just and fair compensation. The Assessment Authority has conducted the assessment with liberal and considerate approach so the amount paid to the petitioner is sufficient to mitigate the damage caused. The calculation of compensation was as per norms and rules. Hence the claim of additional compensation is baseless and incorrect and it is liable to be dismissed. The details of coconut, nutmeg, plantain etc., life expectancy and expected loss of income stated by the petitioner is incorrect and baseless. There was no land acquired for the purpose of the drawing of electric line or for construction of the tower. The property is still in possession of the petitioner. There was no division of property due to the drawing of line. The petitioner is not entitled to get compensation of diminution of land value. There is 220KV line of KSEB already in existence in the property of the petitioner. The 400 KV line built in the same corridor and it has got only marginal impact. On that ground also the petitioner is not entitled to get diminution of land value. This respondent

is not a necessary party to the petition. Thus the petition is bad for misjoinder of parties. Hence the petition is liable to be dismissed.

5. On the basis of rival contentions, the points that arise for consideration are as follows:-

- 1) Whether the petition is barred by limitation?
- 2) Whether the petitioner is entitled to get enhanced compensation for the trees cut down from his property for drawing 400 KV electric line? If so what is quantum?
- 3) Whether the petitioner is entitled to get enhanced compensation for the land utilised for drawing 400 KV electric line? If so what is quantum?
- 4) Reliefs and costs?

6. The evidence of petitioner consists of Ext.A1 to A15. On the side of respondents Ext.B1 to B13 marked. The commissioner was examined as CW1 and Ext.C1 and C1(a) were also marked.

7. Heard both sides and perused the records and the argument note filed by the respondent.

8. Point no 1 :- Respondent no 2 contended that the petition filed for enhancement of compensation is barred by limitation since the compensation amount were received by the petitioner in the year 2012. Hence the petition is liable to be dismissed. The petitioner has categorically pleaded in the petition that the compensation for trees cut down from the property of the petitioner was received on 24.01.2012 and 12.04.2012 and the notice regarding Ex gratia payment was received on 21.11.2017 and nominal amount of compensation for land value received on 12.02.2018. Thus there petition is maintainable. Petition is filed for compensation filed under section 10(d) and 16(5) of the Indian Telegraph Act 1885 r/w section 51 of the Indian Electricity Act, 1910. There is no time limit prescribed for filing original petition before the District Court under section 16(3) of Indian Telegraph Act. Thus Article 137 of the Limitation Act will apply to the said petition and as per the same the period prescribed is three year and the period starts from the date of the dispute regarding the sufficiency of compensation arises. The damages caused by the respondent caused restriction on land usage and it is continuing cause of action for the damage assessment. In *Maya Venu . v. Power Grid Corporation of India Ltd* reported in 2023 (7) KHC 673 the Hon'ble High Court held that the right to apply for enhanced compensation under sec 10 and 16 of the Telegraph Act would accrue when the property sustained by damage by cutting of trees or any further act resulting in the property sustaining damage. The right to apply would also accrues when the compensation paid is inadequate. Hence the revision petitioners are could

have filed the original petitions before the District Court, within three years of commission of last act resulting damage or three years from the date of payment of compensation. Here it is evident that the landowner is informed of the compensation amount later than the date of tree cutting, the period of limitation starts from the date of last intimation regarding the compensation is 21.11.2017 and receipt of compensation is 12.02.2018. Thus the petition is not barred by limitation as contended by the respondent. Thus the point is found in favour of the petitioner.

9. Point no 2 and 3 :- The case of petitioner that for the purpose of drawing of 400KV electricity transmission line Edamon Kochi the respondent entered in to his property and cut down 10 coconut trees aged 10-12 years and 30 arecanut trees 10-12 years, 5 nutmeg trees aged 15 years, 5 jack fruit trees, 2 konna trees, 1 curry leaf tree, 2 vatta tree, 1 teak tree, 1 atha tree, 6 pepper vines and 7 wild tree (kattu maram) and the compensation paid for the same is meagre and insufficient. The respondent on the other hand contended that only those trees mentioned in the mahazar are cut down for the drawing of the line and sufficient compensation paid for the same. Thus the petitioner is not entitled to get enhancement of compensation in this regard.

10. To prove the case of petitioner, Ext.A1 to A15 were marked from the side of petitioner. Ext A1 is the notice dated issued by the 2nd respondent. Ext.A2 is the notice dated 21.01.2017 by 3rd respondent. Ext.A3 to A5 are the certified copy of sale deed no 3063/2012, 5819/2012 and

2793/2011 of SRO Chalakudy.Ext.A6 is the certified copy of reply from 2nd respondent and Ext.A7 is the certified copy of reply from Electrical Inspector dated 31.12.2026. Ext.A8 is the farm wholesale price table of the year 2011 issued by the Economics and Statistics Department.Ext.A9 is the copy of G.O.(MS)No. 2/2015/PD dated 20.01.2015.A10 is the copy of G.O (Ms)27/14/PD dated 19.08.2014.Ext.A11 is the certified copy of Edamon-Kochi Detailed Valuation Statement.Ext.A12 is the copy of Judgment in EOP 149/2015 dated 07.09.2023. Ext. A 13 is the copy of partition deed no 1464/1984.Ext.A14 is the copy of tax receipt.Ext.A15 is the fair value certificate.

11. On the side of respondents Ext.B1 to B13 were marked. Ext.B1 is the notice dated 3 in numbers ie., notice no 3346, 3548 and 4411 dated 19.03.2010,20.01.2011 and 28.06.2011 respectively. Ext.B2 is the mahazar dated 24.04.2010. Ext.B3 is the mahazar dated 03.03.2011. Ext.B4 is payment receipts three in numbers 4548 dated 20.01.2011,4780 dated 24.01.2012 and 6920 dated 12.04.2012. Ext.B5 is the tree clearance notice dated 25.11.2011. Ext.B6 is the Detailed Valuation Statement nos 2448 dated 19.08.2010, 4722 dated 24.01.2012 and 4521 dated 12.04.2012 for tree/crop compensation. Ext.B7 is the Detailed Valuation Statement of Ex-gratia amount for the Line corridor. Ext.B8 is the letter dated 02.03.2009 issued by Chief Engineer KSEB to M/s PGCIL. Ext.B9 is the letter dated 24.10.2009 issued by Chief Engineer KSEB to Chief Manager, PGCIL. Ext.B10 is the order dated 09.02.2010 issued by KSEB. Ext.B11 is the letter issued by

Deputy Chief Engineer KSEB to Chief Manager PGCIL. Ext.B12 is the letter dated 28.05.2010 issued by Deputy Chief Engineer KSEB to Chief Manager PGCIL. Ext.B13 is the letter dated 21.06.2010 issued by Chief Engineer PGCIL to Chief Manager KSEB.

12. The Ext.A13 and A15 are the titled deed and tax receipt of petitioner and it shows the title and possession of petitioner over the property. The petitioner's specific case is that for the purpose of drawing 400 KV line through the property of petitioner the respondent entered in to his property and cut down 10 coconut trees aged 10-12 years and 30 arecanut trees 10-12 years, 5 nutmeg tress aged 15 years, 5 jack fruit tress, 2 konna trees, 1 curry leaf tree, 2 vatta tree, 1 teak tree, 1 atha tree, 6 pepper vines and 7 wild tree (kattu maram). Ext.A1 and A2 are the notice issued by the respondent regarding the same. The said fact is not disputed by the respondent. Ext.B2 and B3 are the mahazar showing the trees cut down from the property of petitioner. Ext.B6 shows the detailed valuation statement and Ext.B4 shows the receipt of payment of Rs.6000/-, Rs.2,60,922/-, Rs.45,240/- by the petitioner. The petitioner contended that the respondents cut down some other tress from the property but there is no evidence adduced by the petitioner to prove the same. According to him from the 10 coconut tress cut from his property 400 nos is the annual yielding and thus he is entitled to get Rs. 4400/-per year. The future life of the said coconut trees is 60 years and at the time of cutting of the same the market value of the one coconut was Rs.11. Thus he is entitled to get 25,20000/- as compensation but he limited

the same to 2,00,000/-. There is no evidence to show the age, height, girth of the trees are mentioned in the said document. The future life of the trees is also mentioned in the same. The petitioner has not placed any materials to show that the details shown in the said documents are incorrect. So, to assess compensation Ext.B2 and B3 mahazars prepared by the respondents can be relied on to ascertain the details such as number, age, height, girth etc., of the trees cut from the land of the petitioner. On going through the Ext.B6 it can be seen that the compensation amount paid towards the trees cut and removed is insufficient. Thus the petitioner is entitled to get enhanced amount of compensation for the trees cut and removed from the property of petitioner.

13. The Hon'ble Supreme Court in Shaik Imambi.v. Special Deputy Collector (Land acquisition). Telugu Ganga Project 2011 KHC 4183 held that the multiplier should be '10' in the case of yielding trees. Hence, I hold that 10 years multiplier is to be applied to assess the compensation concerning fruit bearing trees. The Hon'ble Supreme Court in Land acquisition Officer A.P. v. Kamadana Ramakrishna Rao and Another reported in 2007 KHC 3124 held that the amount towards expenses for cultivation need not be deducted. So in this case 1/4 income of the income is to be deducted towards harvesting charge.

14. Hence the enhanced compensation towards cutting of trees is determined as follows:

- 1) 10 coconut trees aged 12 years.

In the petition it is stated that the annual yielding from the coconut trees cut from his property 400 numbers. Thus the petitioner is entitled to get Rs. 4400/-per year. As per Ext.A8 the wholesale price average list the of the year 2011 the average price of one coconut is Rs.7.906. There is no evidence adduced to prove the average annual yield of the coconut. So the average number of coconut tress in a coconut tree in a year can be assessed as 150 coconuts. No farm retail price list is produced. According to petitioner the retail value of 1 coconut in 2011 was Rs.11. Considering the fact that the trees are cut down in the year 2011, the retail price of the one coconut can be fixed as Rs.10/-. Therefore the value of one coconut tree in a year is Rs.1500/- (150x10). After deducting 1/4 th towards the harvesting charge the net income of from one coconut tree is Rs.1125 (7.5x150). The net annual income of 10 coconut trees is Rs.11250/- (1125x10). So the petitioner is entitled to enhanced compensation for Rs.1,12,500/- (11250 x 10) (Rupees One Lakh Twelve Thousand and Five Hundred only)

2) 30 arecanut trees 10-12 years.

In the petition it is stated that 8 Kg is the annual arecanut from a tree and there is no dispute raised by the respondents regarding the same. As per Ext.C1 the commissioner reported that price of 1kg arecanut is Rs.150 in 2011. The average yield from arecanut tree for one year can be taken as 8 kg. So value of yield from 1 arecanut tree for one year can be taken as Rs.1200(150 x 8). Therefore yearly income from one arecanut tree is Rs.1200(150 x 8). After deducting 1/4th towards harvesting expenses,the net

value of the yearly yield from one arecanut tree is Rs,900(1200-300).The net annual income of 30 arecanut trees is Rs. 27000/- (900 x 30). So the petitioner is entitled to enhanced compensation for Rs.2,70,000/-(27000 x 10) (Rupees Two Lakhs and Seventy Thousand only))

3) 5 nutmeg trees aged 15 years.

According to petitioner 5 nutmeg tree aged 15 was cut down from the same and around 50 Kg dried nutmeg and 10 Kg of mace obtained is annual yielding from the same and this said trees have 70 years of future expectancy. At the time of cut down of the trees the 1Kg dried nutmeg have Rs. 500 and mace have Rs.2000/-. According to petitioner 5000 number of nutmeg fruits is the annual yielding from one tree. Out of which he is getting 50 kg of dried nutmeg seed and 10 kg of mace. In Ext.C1 the commissioner has not reported the number of nutmeg fruits from one nutmeg tree. But reported 95 number of nutmeg seed will weigh 1 kg and 500 numbers of nutmeg fruits needed for 1 kg of mace. A fifteen year old nutmeg tree typically produces average 2500/- nutmeg fruits annually. An average of 125 nutmeg fruits need for 1 kilogram and it is the standard measurement of dried shelled nutmeg. As per Ext.A8 the average whole sale price of dried nutmeg per Kg is 315.58-. So the price of 1 kg of dried shelled nutmeg can be assessed as Rs. 425/-. So total 20 kg is the annual yielding from one nutmeg tree. Thus annual yielding from one nutmeg tree is 2500 nutmeg fruits and when it is converted to dried shelled nutmeg it is 20 kg and thus the gross annual yielding from one nutmeg tree can be assessed as Rs.8,500/- (425 x 20) (Rupees Eight Thousand

and Five Hundred only). After deducting 1/4th towards harvesting expenses, the net value of the yearly yield from one nutmeg tree is Rs.6,375/- the net. The net annual income of one nutmeg tree is Rs.31,875/- (6375 x 5) (Rupees Thirty One Thousand Eight Hundred and Seventy Five only). So the petitioner is entitled to enhanced compensation for Rs.3,18,750/- (31875 x 10) (Rupees Three Lakhs Eighteen Thousand Seven Hundred and Fifty only) towards the dried nutmeg .As per Ext.A8 the average wholesale price of mace is Rs.1227.26/-. So the price of 1 kg mace can be assessed as Rs.1500/-. An average of 900 nutmeg fruits is typical or standard number needed for 1 kg of mace. So 2.78 kg is the annual yielding from one nutmeg tree. The value of the yearly yield of mace one nutmeg tree is Rs.4,170/- (1500 x 2.78) (Rupees Four Thousand One Hundred and Seventy only). The net annual income of mace is Rs.20,850/- (4170 x 5) (Rupees Twenty Thousand Eight Hundred and Fifty only). The net annual income of mace from 5 nutmeg tree is Rs. 2,08,500/- (20,850 x 10).Thus he is entitled to enhanced compensation of Rs.2,08,500/- (Rupees Two Lakh Eight Thousand and Five Hundred only) towards the mace. So a total of Rs.5,27,250/-(318750+2,08,500) (Rupees Five Lakh Twenty Seven Thousand Two Hundred and Fifty only) is the total enhanced compensation towards the nutmeg trees.

4) 5 Pepper Vines aged 3-5 year and 3 pepper vine 12 to 15 years.

As per Ext.B6 the average yield of the total number of pepper vine is taken as 29kg considering the age of the same. Considering the fertility of the land I am of the opinion that the respondent ought to have taken net retail yield of

5 pepper vine aged 3-5 years as 1kg per pepper vine and 3 pepper vine aged 12-15 years as 3kg per pepper vine. So total annual yield from the 8 pepper vine is 5 kg. The retail value of the pepper during the relevant period is average 350/- per kg. Thus the net value and the present worth calculated by the respondent is not a reasonable one. Ext. A8 the wholesale value of pepper for 1 Quintal is 25314.76/-. So the retail value of the pepper during the relevant period can be assessed as 350/- per kg. Therefore yearly income from 8 pepper vine Rs.1750/- (350 x 5). After deducting 1/4th towards harvesting expenses, the net value of the yearly yield from one pepper vine is Rs.1312.5/- rounded as Rs.1,313/-. The net annual income of 8 pepper vine is Rs.10,504/- (1313 x 8). So the petitioner is entitled to enhanced compensation for Rs.1,05,040/- (10,540 x 10) (Rupees One Lakh Five Thousand and Fourty only)

5) As per Ext.B6, 377 numbers banana bunches were cut and down from the property of the petitioner. The respondent has awarded Rs.45,240/- as compensation and the age of Banana trees cut down from the property is 8 years. Considering the age and other parameters of plantains cut down from the property of the petitioners, I am inclined to grant 10% enhancement of the same on the same. Thus Rs.45,240+4524 (10% of Rs. 45,240) The petitioner is entitled to get Rs.49,764/- (Rupees Forty Nine Thousand Seven Hundred and Sixty Four only) as compensation for the 377 plantains bunches cut down from his property.

6)50 Plantains trees aged 8 years.

50 plantains trees cut down from the property and as per Ext.B6 compensation paid for the same is Rs. 6,000/- The age of the said banana plants are 8 years. Hence ,I am inclined to grant 50% of the enhancement. of the same Rs.9,000/- (Rs.6,000+Rs. 3,000) (Rupees Nine Thousand only) towards the same.

7) 5 Padumaram

5 Padumarams was cut down from the property of petitioner and the as per Ext.B6 respondent awarded for the same as Rs.1800/-(600+400+800). Considering the age and other parameters of the Padumaram, I am inclined to grant 50% of the enhancement of the same. Accordingly, petitioner is entitled to get Rs.2,700/-(1800+900) as compensation for the padumaram cut down from the property.

8) 1 Konna tree aged 20 years

1 Konna tree cut down from the property of the petitioner and the as per Ext.B6 the respondent awarded the compensation of Rs.400 for the same. Hence I am inclined to grant 50% of the increase of the same as Rs. 600/- (400+200)as compensation for the Konna tree cut down from his property.

9) 1 Aatha tree

1 Aatha tree aged 30 years having yield cut down from the property. As per Ext.B6 compensation awarded for the same is Rs. 1500/-. Hence I am

inclined to grant 50% of the increase of the same. Rs.2250/- (1500+750) as awarded as compensation for the Aatha tree cut down from the property.

10) 3 Jack fruit tree (1 non yielding aged 10 year and jack fruit tree yielding 2 numbers of the year 40 and 60 respectively)

Jack fruit tree non yielding and of 10 year 1 number and jack fruit tree yielding 2 numbers of the year 40 and 60 respectively cut and removed from the property of the petitioner and compensation for the same is Rs.8,100/- (100+3000+5000) (Rupees Eight Thousand and One Hundred only) respectively. Hence, I am inclined to grant 50% of the increase of the same. Rs.12,150/- (8100+4050) (Rupees Twelve Thousand One Hundred and Fifty only) compensation towards the Jack fruit trees cut down from his property.

15. In view of the above findings all together the petitioner is entitled to get compensation from the respondent towards tree cut down from the property is Rs.10,91,254/- (1,12,500+2,70,000+5,27,250+1,05,040+49,764+9000+2700+600+2250+12150) (Rupees Ten Lakhs Ninety One Thousand Two Hundred and Fifty Four only) Admittedly the petitioner has received an amount of Rs.3,12,342/-(2,60,922+ 6000+45240) (Rupees Three Lakh Twelve Thousand Three Hundred and Forty Two only). Thus after deducting the same the petitioner is entitled to get Rs.7,78,912/- (10,91,254 – 3,12,342) (Four Seven Lakhs Seventy Eight Thousand Nine Hundred and Twelve only) as enhanced compensation for trees/crops cut down from his property. Thus the point is answered accordingly.

16. Point no 2 :- The case of petitioner that due to the drawing of the 400 KV line through his property there is diminution of land value. According to petitioner, there is 90% of diminution of land value of the 74 cent of property and he is entitled to get Rs.5,00,000/- per cent for the diminution of value of land. Thus he is entitled to get Rs.3,70,00,000/- towards the same and Rs.1,00,000/- towards the house situated the wherein and the and he is limited the claim into Rs.1,50,00,000/- for the same. According to the petitioner his property is comprised in Survey No. 970/2 and 971/2 covered by Document No. 1464/1981 and 3765/2007 of SRO Chalakudy. Ext.A3 to A5 are the similar land documents produced by the petitioner to proved the value of the property of the petitioner. Ext. A14 is the tax receipt of the petitioner and Ext. A15 is the fair value certificate of the property. Petitioner has taken out a commission to prove the affected area and the market value of the property. Ext.C1, C1(a) and C1(b) are the commission report, sketch and proforma. The commissioner was examined as CW1 and she deposed in tune with the commission report. The case of the petitioner that his property is maintained as a agricultural property. The property is a fertile land for agricultural and it is a residential and commercial property. On going through Ext. C1,C1(a),C1(b) it can be seen that the property is a garden land. The respondent admitted that the coconut tree, arecanut tree and other yielding and non-yielding trees planted in the property of the petitioner. Ext. C1, C1(a) sketch clearly shows that 48.300 cents is affected area due to the drawing of electricity line .It is also reported

in Ext.C1 that there is road access to the property of petitioner. It is further reported that 26 electric lines were drawn to the property and it is not possible to make construction of the residential building for the same and the commission has reported that there is a house and a ration shop in the property. The respondent raised objection to the affected area calculated by the commissioner. Even though the commissioner was cross examined at length nothing was brought out to discredit the facts reported in the Ext.C1,C1(a),C1 (b). The sketch relating to affected area was measured and located by the surveyor and there was no attempt to examine the surveyor to show that the measurement of the affected area made by him is not correct. Though objection was filed to commission report and sketch and the commissioner was cross examined regarding the affected area calculated in the sketch nothing was brought out to discredit the affected area shown in the same. The respondent has not produced any measurement sketch to show the affected area shown in the commission report is not correct. The commissioner categorically deposed that the measurement of the property was made in presence of the officials of the respondent. Thus there is no merits in the contention of respondents that the measurement of affected area shown in the sketch. Moreover Ext.C1 shows that the whole property of petitioner is affected due to the drawing of 400 KV Line and an extent of 48.300 cents of property in survey no 970/2 is utilised for drawing 400 KV line. The commissioner has further reported that the remaining property also

is affected by the same. So it is clear that the petitioner is entitled to get compensation for diminution of land value.

17. The petitioner has produced Ext. A10 GO shows that as per the special compensation package the the fixing of market value of the land revised @5 times of the fair value of the property. But the said GO is not applicable to the property of the petitioner and it is applicable to Cochin segment.

18. The respondent contended that the fair value of the property at the relevant time was Rs.60,000/-. As per Ext.A15 the fair value of the property with public road access in Survey no 970/2 of Melur Village is Rs.1,32,000/- per ares. It is to be noted that the government fixed the fair value for the purpose of preventing the under valuation of the instrument submitted for registration, and need not reflect the actual market value of the land. Ordinarily, the actual market value of the land would be much more than that. But, of course it can be considered as one of the guiding factors for assessing the land value in the absence of any other evidence on record. In case of State of Kerala. v. Thomas and Another reported in 2006(2) KLJ 84 it was held that the fact that the ownership of the land utilised for the installation of electricity towers still stands in the name of the petitioners is also taken in to account while awarding compensation to the petitioners. Viewed from that angle, it cannot be said that the petitioners are not entitled to get compensation on the basis of the actual market value of the land that was prevailing in the vicinity of the lands belonging to the petitioners at the

time of installation of the electricity transmission towers. Ext.A3 to A5 and the Ext.C1,C1(a) and the value of the similar land it can be seen that value of property shown in the similar land document are also in between Rs.1,00,000/- to Rs.1,33,333/-. The said properties are situated within 2 km from the property of petitioner. According to commissioner comparing with similar land the value of property of petitioner is high and it is 3 to 3.5 lakhs per cent but no reasoning for the same is made in the commission report. In *KSEB .v Livisha* reported in 2007(3)KLT SC 1 the Hon'ble Apex Court held that "the situs of land,the distance between high voltage electric line laid there over,the extent of line thereon as also the fact as to whether 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 further more, in a given situation may loss his substantive right to use the property for the purpose for which the same was meant to be used." Considering the nature of property and the PWD road access to the same, it is fertile and yielding garden land and the diminution of value of remaining property of the petitioner and the other factors noted in the commission report and Ext.A15, I am of the view that the the market value of the property can be fixed as Rs.1,00,000/- (Rupees One Lakh only) per cent. Though the petitioner alleged that due to the drawal of 400 KV line through his property he lost substantial right over the property. There is absolutely nothing to show that the petitioner has lost his substantial right to use his property for the purpose

which it is meant for because the commissioner has reported that seasonal crops can be cultivated in the property of petitioner. There is no doubt regarding the fact that due to the drawing of the 26 electric lines there is diminution of value of the property of petitioner. Hence, I am of the opinion that to meet the ends of justice, it is fair and reasonable to take 50% as the diminution of market value of the land. Thus the petitioner is entitled to get Rs.24,15,000/- ($1,00,000 \times 48.300 \times 50/100$) (Rupees Twenty Four Lakh and Fifteen Thousand only) for the diminution of value due to drawal of line. It is admitted that Rs.94,320/- (Rupees Ninety Four Thousand Three Hundred and Twenty only) as compensation for the land in the line corridor area was already received by the petitioner. So the petitioner is entitled to get Rs.23,20,680/- ($24,15,000 - 94,320$) (Rupees Twenty Three Lakh Twenty Thousand Six Hundred and Eighty only) compensation for the diminution of land value. In the case of KSEB, v, Maranchi Matha and Others reported in 2008 KHC 6128 and in V.V.Jayaram. v. Kerala State Electricity Board reported in 2015 (3) 453 it was held that the petitioner is entitled to get 9% interest on the additional compensation. Thus the petitioner is entitled to get 9% interest for the same.

19. Point no 4: In view of my findings on point no 2 and 3, the petitioner is entitled to get enhanced compensation with interest at the rate of 9% interest from 25.11.2011 with entire cost of the proceedings.

In the result, the petition is allowed in part as follows:

- 1) The petitioner is entitled to get a sum of Rs.30,99,592/- (7,78,912+23,20,680) (Rupees Thirty Lakhs Ninety Nine Thousand Five Hundred and Ninety Two only) with interest at the rate of 9% interest from 25.11.2011 till realisation of same as enhanced compensation from the respondent.
- 2) The petitioner is entitled to realize the entire costs cost of the proceedings from the respondent.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 19th day of March, 2026).

Sd/-

JAYA PRABHU
ADDITIONAL DISTRICT JUDGE II
THRISSUR

Appendix

Oral Evidence

Cw-1 Adv. Sajna Muhamed Examined on 08-08-2023

Exhibits:

Petitioner:

A1- Notice date 11.01.2012 issued by PGCIL

A2- Notice date 21.01.2017 by Special Revenue officer

A3- Certified Copy of Deed No 3063/12 SRO Chalakkudy

A4 -Certified Copy Deed No 5891/12 SRO Chalakkudy

A5- Certified Copy of Deed No 2793/11 SRO Chalakkudy

A6- Certified Copy Of reply from Power Grid Corporation of India Ltd.

Date 21- 01-2015

A7- Certified Copy of reply from Electrical Inspector date 31-12-2024

A8- Certified Copy of farm whole sale price table 2011

A9- Copy of 2/2015/PD date 19-08-2014

A11- Certified Copy of Edamon -Kochi D.V.S

A12- Copy of Judgment in EOP 149/15 date 07-09-2025

A13- Copy of partition deed No 1464/1984

A14- Copy of Tax Receipt

A15- Copy of Fair Value Certificate

Respondent

B1- Notice No 3346 date 19.03.2010,20.01.2011

(a) Notice No. 3548 date 20.01.2011

(b) Notice No. 4411 date 28.06.202011

B2- Mahazar (True Copy) date 24.04.2010

B3- Mahazar (True Copy) date 03.03.2011

B4- Payment receipts three in No 4548 date 20.01.2011, 4780 dated 24.01.2012
and 6920 dated 12.04.2012

B5- True Copy of three clearance Notice date 25.11.2011

B6- Detailed Valuation Statement nos 2448 dated 19.08.2010, 4722 dated
24.01.2012 and 4521 dated 12.04.2012 for tree/crop compensation.

B7 - Detailed Valuation Statement of Ex-gratia amount for the Line corridor
(Copy)

B8- Letter dated 02.03.2009 issued by Chief Engineer KSEB to M/s PGCIL.

B9-Letter dated 24.10.2009 issued by Chief Engineer KSEB to Chief Manager, PGCIL.

B10- Order dated 09.02.2010 issued by KSEB (Copy)

B11- Letter issued by Deputy Chief Engineer KSEB to Chief Manager PGCIL.

B12- Letter dated 28.05.2010 issued by Deputy Chief Engineer KSEB to Chief Manager PGCIL(True Copy)

B13- Letter dated 21.06.2010 issued by Chief Engineer PGCIL to Chief Manager KSEB.(True Copy)

Sd/-
JAYA PRABHU
ADDITIONAL DISTRICT JUDGE II
THRISSUR

/ True Copy /

By Order

Copied by: NEM
Compared by :SMS

Sheristadar

Order in
EOP 92/2018
Dated: 19.03.2026