

IN THE COURT OF II ADDITIONAL DISTRICT JUDGE THRISSUR,

Present:

Smt. JAYA PRABHU, ADDL.DISTRICT JUDGE -II

Monday, the 16th day of March, 2026/ 25th Phalguna, 1947.

E O P 110/2018, E O P 111/2018, E O P 112/2018

E O P 110/2018

PETITIONER:-

1. Shabu.K.R, Aged 54 Years, S/o Kuzhiprambil Raman, Kunnappilly Desom, Kunnappilly PO, Meloor Village, Chalakky Taluk
- 2 Saraswathy, Aged 76 Yeas, W/o Kuzhiprambil Raman , Kunnappilly Desom, Kunnappilly PO, Meloor Village, Chalakkudy Taluk

By Adv. Jomy John

RESPONDENTS:- 1. State of Kerala, Rep by District Collector, Thrissur

2. Deputy Manger , Power Grid Corporation of India Limited, Construction Area Office , 400/220 , KV Substation . Kumarapuram PO, Pallikkara , Ernamkulam, Kochi-683 565
3. Special Tahasildar (LA) , Power grid corporation of India Limited, Near Corporation Bank, Kakkanad PO, Kochi-682030

By Adv. M.K Girish Mohan

EOP 111/2018

- PETITIONER:-**
1. Santhosh K.R, Aged 50 Years , S/o Kuzhiprambil Raman, Kunnappilly Desom, Kunnappilly PO, Meloor Village, Chalakky Taluk
 - 2 Saraswathy, Aged 76 Yeas, W/o Kuzhiprambil Raman , Kunnappilly Desom, Kunnappilly PO, Meloor Village, Chalakkudy Taluk
- By Adv. Jomy John

- RESPONDENTS:-**
1. State of Kerala, Rep by District Collector, Thrissur
 2. Deputy Manger , Power Grid Corporation of India Limited, Construction Area Office , 400/220 , KV Substation . Kumarapuram PO, Pallikkara , Ernamkulam, Kochi-683 565
 3. Special Tahasildar (LA) , Power grid corporation of India Limited,Near Corporation Bank, Kakkanad PO, Kochi-682030
- By Adv. M.K Girish Mohan

EOP 112/2018

- PETITIONERS:-**
1. Suresh .K.R, Aged 56 Years, S/o Kuzhiprambil Raman, Kunnappilly Desom, Kunnappilly PO, Meloor Village, Chalakky Taluk

2 Saraswathy, Aged 76 Yeas, W/o Kuzhiprambil Raman , Kunnappilly Desom, Kunnappilly PO, Meloor Village, Chalakkudy Taluk

By Adv. Jomy John

RESPONDENTS:- 1. State of Kerala, Rep by District Collector, Thrissur

2. Deputy Manger , Power Grid Corporation of India Limited, Construction Area Office , 400/220 , KV Substation . Kumarapuram PO, Pallikkara , Ernamkulam, Kochi-683 56

3. Special Tahasildar (LA) , Power grid corporation of India Limited, Near Corporation Bank, Kakkanad PO, Kochi-682030

By Adv. M.K Girish Mohan

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

COMMON ORDER

These petitions are filed under section 10 and 16(3) of Indian Telegraph Act, 1885, r/w Section 51 of Electricity Act, 1910.

OP.110/2018

2. Petitioners case in brief as follows:- The first petitioner is the absolute owner of the petition schedule property which was obtained by him by virtue of settlement deed No.3290/1987 of SRO Chalakkudy and as per the said document second petitioner is right to possess and take usufructs from the said property. Thus the petitioners are in possession and enjoyment of the petition schedule property. Respondents, for the purpose of drawing 400 KV Electric supply line through the petition schedule property cut down one mango tree, nine konna tree, two curry leaf tree, two jack fruit tree, seven teak, ten pepper vine, two pappaya, one cashew tree, 50 plantains and two coconut trees aged 10 to 12 years. After issuing notice to the petitioner, on 3.03.2011 a mahazar was prepared by the respondents for cutting down of the trees. But some other the trees which are not mentioned in the mahazar also were cut and removed by the respondents. On 24.01.2012 the petitioner has issued DD for Rs.5,600/-as compensation for the tree cut down from the property and the petitioners received the same under protest. According to the petitioner the compensation awarded by the respondents is a meager one and inadequate. The mahazar and valuation of the trees are incorrect and cannot relied upon. The valuation of trees fixed by the respondent is not the actual market value of the crops. The petitioner is cultivating his land in scientific manner. Around 4400 is the annual yield from one coconut tree. At the time of cutting down the of the said coconut trees the market value of one coconut was Rs.11. Thus the petitioners are entitled to get an amount of

Rs.5,04,000/- towards the same and the petitioners limited the same into 40,000/-. Apart from that the petitioners are entitled to get an amount of Rs.60,000/- as compensation for the non yielding trees cut and removed from the petition schedule property. Due to the drawing of the 400 KV electric line through the property of the petitioner the property was divided into two and it resulted in the utility of the land. It is not possible to use the property for any business purpose. Thus there is diminution of land value of the property of petitioners by 90%. Thus the petitioner is entitled to get an amount of Rs.5,00,000/-per cent for 54 cents property and a total of Rs.2,70,0000/- and the petitioners have limited the same into Rs.81,00,000/-. Hence the petition is filed for enhancement of compensation into Rs.81,30,440/- with 12% interest from the date of cutting of trees with costs.

3. Respondents 1 and 3 filed counter and contended that they are not necessary parties to the proceedings .They are made parties to the proceedings to get over the contention that the petition is bad for non joinder of necessary parties. They are adopting the contentions of the 2nd respondent.

4. Respondent No. 2 filed objection and contended that the petition is filed as an experimental one. The petitioners have to prove their title, extent and possession of the property. The respondent has issued notice to the petitioners as notice No.3521 dated 17.01.2011 notifying the Kochi Thrissur line will be drawn through the petitioners land along with the details of the land standing crops, slanting trees/crops etc.,.Thereafter the Special Revenue Unit had inspected the property falling under the Line Corridor and a

mahazar was prepared 03.03.2011 indicating the number of trees, nature of trees, its age, height, girth, yield, tower number etc. Subsequently the the Special Revenue Inspector, and Assistant Village, Valuation Assistant has evaluated the loss sustained by the petitioners and prepared the valuation statement and the Detailed Valuation Statement was approved by the District Collector .An amount of Rs.5600/- was given to petitioners as compensation for the trees cut down from the property of petitioners. The petitioners received the same as per DD No.492895 dated 24.01.2012 without any protest . Further an amount of Rs5520/-also paid as compensation. An amount of Rs.58440/- paid as Ex-gratia payment for diminution of land also was given to the petitioner by the respondent No.2. The said amount was received by the respondent without any protest. The petition schedule property is not situated in a residential area. The petitioners have not raised any objection to the detailed valuation statement. The assessment and compensation fixed by the revenue authorities just fair and reasonable. Calculation of compensation of damage for the norms and rules of government of Kerala. Hence the petitioners are not entitled to get additional compensation. Life expectancy and expected loss of income narrated in the petition are totally baseless and incorrect. The drawing of 400KV line through the property made the property as useless is denied. It is incorrect to say that the market value of property of petitioner is 5 lakhs per cent. The petitioner is not entitled to get any amount for the diminution of land value. The utility of land is not reduced considerably as due to the withdrawal of line through the property.

Thus the petitioner is not entitled to get enhancement of compensation for diminution of value also .The second respondent is not a necessary party to the petition. Thus the petition is liable to be dismissed.

OP 111/2018.

5. Petitioners case in brief as follows:- The first petitioner has obtained petition schedule property by virtue of deed No.3290/1987 comprised in survey No.973/1, 976/1 and after alienating some property from the same an extent of 52 cents of property is in possession of the first petitioner. The second petitioner have right to enjoy the said property. Thus the said property is in the absolute ownership and possession of the petitioners. For the purpose of drawing 400 KV electric transmission line the respondent has cut and removed 5 coconut trees, aged 10 to 12 years, 31 arecanut tree aged 10 to 12 years, one mango tree, one konna tree, one curry leave tree, two jack fruit tree, 5 teak, one cashew tree, 45 plantains. Though the respondent has prepared a mahazar dated 03.03.2011 with regard to the cutting down of trees from petition schedule property .Apart from the trees mentioned in the said mahazar some other trees also were cut and removed by the respondents. On 21.04.2012 an amount of Rs.1,84,539/- was given by the respondents for the compensation for the tress cut down from the property and it was received by the petitioners under protest. The mahazar prepared by the respondent is not a correct one. The petitioner has cultivating the land in a scientific manner. The petitioner is getting 400 coconut from one coconut tree annually and the future expectancy of the said trees are 60 years. At the time

of cutting down of said trees the price for one coconut was Rs.11. Thus the petitioner is entitled to get Rs.12,60,000/- as compensation but he limited the same as Rs.1,00,000/-. The total annual yield from one arecanut tree is Rs.1200/- per year (8 KG for arecanut) and the life expectancy of arecanut trees are 60 years at the time of cutting down of the same .At that time price of 1 KG of dried arecanut was Rs.1500/-. Thus the petitioner is entitled to get an amount of Rs.20,46,000/- as compensation but the petitioner has limited the same into Rs.3,10,000/-. The petitioner is also entitled to get an amount of Rs.40,000/- as enhanced compensation of trees cut and removed other trees cut and removed from the petitioner schedule property. The petitioner schedule property is high fertile land and it can be used for construction of building, business purposes etc. There are several government and non-governmental institutions, commercial buildings near to the petition schedule property and it is situated in a commercial area. Due to the drawing of line through the petition schedule property the utility of the same was reduced and the market value of the same was diminished by 90% .Thus the petitioner is entitled to get an amount of Rs.5,00,000/- per cent for the diminution of land value. Hence the petition is filed for enhancement of compensation into Rs.1,06,60,000/- with 12% interest from the date of cutting of trees with costs.

6. Respondents 1 and 3 filed counter and contended that they are not necessary parties to the proceedings .They are made parties to the

proceedings to get over the contention that the petition is bad for non-joinder of necessary parties. They are adopting the contentions of the 2nd respondent.

7. Respondent No. 2 filed objection and contended that the petition is filed as an experimental one. The petitioners have to prove their title, extent and possession of the property. The respondent has issued notice to the petitioners as notice No.3520 dated 17.01.2011 notifying the Kochi Thrissur line will be drawn through the petitioners land along with the details of the land standing crops, slanting trees/crops etc. Thereafter the Special Revenue Unit had inspected the property falling under the Line Corridor and a mahazar was prepared 03.03.2011 indicating the number of trees, nature of trees, its age, height, girth, yield, tower number etc. Subsequently the Special Revenue Inspector, and Assistant Village, Valuation Assistant has evaluated the loss sustained by the petitioners and prepared the valuation statement and the Detailed Valuation Statement was approved by the District Collector. An amount of Rs.1,84,539/- was given to petitioners as compensation as per DD No.492897 dated 21.10.2011. Further an amount of Rs.5580/- also paid to the petitioner. An amount of Rs.63,720/- was paid to the petitioner for the tower standing area considering the fair value of the property. The said amount was received by the respondent without any protest. The petition schedule property is not situated in a residential area. The petitioners have not raised any objection to the Detailed Valuation Statement. The assessment and compensation fixed by the revenue authorities just fair and reasonable. Calculation of compensation of damage for the

norms and rules of Government of Kerala. Hence the petitioners are not entitled to get additional compensation. Life expectancy and expected loss of income narrated in the petition are totally baseless and incorrect. The drawing of 400KV line through the property made the property as useless is denied. It is incorrect to say that the market value of property of petitioner is 5 lakhs per cent. The 400 KV line built through the same corridor of the 220KV line of KSEB. The petitioner is not entitled to get any amount for the diminution of land value .The utility of land is not reduced considerably as due to the withdrawal of line through the property. Thus the petitioner is not entitled to get enhancement of compensation for diminution of value also .The second respondent is not a necessary party to the petition. Thus the petition is liable to be dismissed.

OP 112/2018.

8. Petitioners case in brief as follows:- The first petitioner has obtained petition schedule property by virtue of deed No.3290/1987 comprised in survey No. 976/1 having an an extent of 54 cents of property is in possession of the first petitioner .The second petitioner have right to enjoy the said property. Thus the said property is in the absolute ownership and possession of the petitioners. For the purpose of drawing 400 KV electric transmission line the respondent has cut and removed 2 coconut trees, aged 10 to 12 years, 8 arecanut tree aged 10 to 12 years, one mango tree, one konna

tree, one curry leave tree, one jack fruit tree, one teak, two papaya tree, one cashew tree, 170 plantains,180 tapioca,thirty yam,thirty colocasia. Though the respondent has prepared a mahazar dated 03.03.2011 with regard to the cutting down of trees from petition schedule property .Apart from the trees mentioned in the said mahazar some other trees also were cut and removed by the respondents. On 21.04.2012 an amount of Rs.60.135/- was given by the respondents for the compensation for the tress cut down from the property and it was received by the petitioners under protest. The mahazar prepared by the respondent is not a correct one. The petitioner has cultivating the land in a scientific manner. The petitioner is getting 400 coconut from one coconut tree annually and the future expectancy of the said trees are 60 years. At the time of cutting down of said trees the price for one coconut was Rs.11. Thus the petitioner is entitled to get Rs.50,400/- as compensation but he limited the same as Rs.40,000/- . The total annual yield from one arecanut tree is Rs.1200/- per year (8 KG for arecanut) and the life expectancy of arecanut trees are 60 years at the time of cutting down of the same .At that time price of 1 KG of dried arecanut was Rs.1500/- .Thus the petitioner is entitled to get an amount of Rs.5,28,000/- as compensation but the petitioner has limited the same into Rs.80,000/-. The petitioner is also entitled to get an amount of Rs.80,000/- as enhanced compensation of trees cut and removed other trees cut and removed from the petitioner schedule property. The petitioner schedule property is high fertile land and it can be used for construction of building, business purposes etc. There are several government and non-

governmental institutions, commercial buildings near to the petition schedule property and it is situated in a commercial area .Due to the drawing of line through the petition schedule property the utility of the same was reduced and the market value of the same was diminished by 90% . Thus the petitioner is entitled to get an amount of Rs.5,00,000/- per cent for the diminution of land value. Hence the petition is filed for enhancement of compensation into Rs.1,13,36,000/- with 12% interest from the date of cutting of trees with costs.

9. Respondents 1 and 3 filed counter and contended that they are not necessary parties to the proceedings .They are made parties to the proceedings to get over the contention that the petition is bad for non joinder of necessary parties. They are adopting the contentions of the 2nd respondent.

10. Respondent No. 2 filed objection and contended that the petition is filed as an experimental one (Verify counter).The petitioners have to prove their title ,extent and possession of the property. The respondent has issued notice to the petitioners as notice No.3520 dated 17.01.2011 notifying the Kochi Thrissur line will be drawn through the petitioners land along with the details of the land standing crops, slanting trees/crops etc.,Thereafter the Special Revenue Unit had inspected the property falling under the Line Corridor and a mahazar was prepared 03.03.2011 indicating the number of trees, nature of trees, its age, height,girth, yield, tower number etc. Subsequently the the Special Revenue Inspector, and Assistant Village, Valuation Assistant has evaluated the loss sustained by the petitioners and

prepared the valuation statement and the Detailed Valuation Statement was approved by the District Collector. An amount of Rs.60135/-,12342/-,9168 /-- was given to petitioners as compensation on 21.04.2012. Further an amount of Rs5580/- also paid to the petitioner. An amount of Rs.82800 was paid to the petitioner as ex gratia considering the fair value of the property. The said amount was received by the respondent without any protest. The petition schedule property is not situated in a residential area. The petitioners have not raised any objection to the Detailed Valuation Statement. The assessment and compensation fixed by the revenue authorities just fair and reasonable. Calculation of compensation of damage for the norms and rules of Government of Kerala . Hence the petitioners are not entitled to get additional compensation. Life expectancy and expected loss of income narrated in the petition are totally baseless and incorrect. The drawing of 400KV line through the property made the property as useless is denied. It is incorrect to say that the market value of property of petitioner is 5 lakhs per cent. The 400 KV line built through the same corridor of the 220KV line of KSEB. The petitioner is not entitled to get any amount for the diminution of land value. The utility of land is not reduced considerably as due to the withdrawal of line through the property .Thus the petitioner is not entitled to get enhancement of compensation for diminution of value also. The second respondent is not a necessary party to the petition. Thus the petition is liable to be dismissed.

11. On the basis of the rival contentions the following points are raised for consideration:

12. Point for consideration in OP 110/ 2018

- 1) Whether the petitioners are entitled to get enhanced compensation for the trees cut down from the from this property 400 KV electricity transmission line? If so what is the quantum?
- 2) Whether the petitioners are entitled to enhanced compensation for the land utilized for drawing 400 KV electric line? if so what is the quantum?
- 3) Reliefs and cost?

13. Point for determination in OP.111/2018 are as follows:

- 1) Whether the petitioners are entitled to get enhanced compensation for the trees cut down from the from this property 400 KV electric line? If so what is the quantum?
- 2) Whether the petitioners are entitled to enhanced compensation for the land utilized for drawing 400 KV electricity transmission line? if so what is the quantum?
- 3) Reliefs and cost?

14. Point for determination in OP.112/2018 are as follows:

- 1) Whether the petitioners are entitled to get enhanced compensation for the trees cut down from the from this property 400 KV electricity transmission line? If so what is the quantum?
- 2) Whether the petitioners are entitled to enhanced compensation for the land utilized for drawing 400 KV electric line? if so what is the quantum?
- 3) Reliefs and cost?

15. As per order in IA 2/2022 joint trial of OP.110/2018,OP.111/2018,OP.112/2018 was allowed. The evidence of the petitioner consists of Exts. A1 to A23. The advocate commissioner was examined PW1 and Exhibits C1,C1(a), C2(b), C2, C2(a), C2(b), C3, C3(a), C3(b). On the side of the respondents Ext.B1 B1 to B26 marked .

16. Heard both sides and perused argument notes filed by the respondent.

17. Point no. 1 in OP.110/2018, OP.111/2018 and OP.112/ 2018 : For the sake of brevity and convenience these points are considered together.

18. The petitioners case is that the respondent has cut down valuable trees from his property for the purpose of drawing 400 KV electric line and compensation awarded by the respondent same is legal and sufficient. It is further contended that there is no reasonable basis for the compensation for the trees cut down fixed by the respondent is entitled to get enhancement of

the compensation. The respondent on the other hand contended that the compensation granted to the respondent to the petitioners for the trees/crops cut down from their property to draw this electric supply is reasonable and sufficient and the petitioners are not entitled to enhancement of the compensation claimed by them in the petition.

19. The petitioner has not produced any document to prove market value of the fruit bearing trees and timbers that cut down from the property of the petitioners. The petitioners put forward a contention that the compensation paid by the respondent is not sufficient. Ext.B2,B7 and B18 are the mahazars prepared by respondent and it shows the number,age,height,girth etc of the trees cut down from the property of the petitioners.Ext.B4,B9 and B17 are the valuation statement regarding the trees cut down from the petition schedule property and worth of the trees are mentioned in the same. The number,age,height and girth of the trees are mentioned in the said documents .The future life of the trees also mentioned in the same. The petitioner has not placed any materials to show of the said documents prepared by the respondent are incorrect. So in order to assess the compensation the above mahazars prepared by the respondent can be relied on so as to ascertain the details such as number, age, height, girth etc., of the trees cut from the land of the petitioner.

20. In Nachimuthu vs RDA Erode reported in AIR 2001/SC 24/14 the Hon'ble Supreme Court held that it is setting the position that in cases seeking compensation for land acquisition, etc., compensation can not

determined with mathematical precision and assessment in such matters is down pay amount degree of guess work.

21. The petitioners have not adduced any evidence to show that details shown in Ext.B2,B7,B8,B4,B9,B17 documents are incorrect. On perusal of the said documents it can be seen that the compensation paid by the respondent is insufficient. Thus the petitioners are entitled to get enhancement of compensation for the trees cut down from their property .Hence the compensation for the trees cut down from their property for drawing 400KV line can be determined as follows:

OP 110/2018

22. In the petition it is stated that 2 coconut trees cut down by the respondents for the purpose of drawing 400KV electricity transmission line and the annual yielding from the coconut trees cut from the property of petitioner is 400 numbers .Thus the petitioner is entitled to get Rs. 4400/-per year towards the same.Ext.B2 is the mahazar prepared by respondent regarding the trees cut down from the property of petitioner. It shows that there is no coconut trees cut down from the property of petitioner. The petitioner has taken out a commission to prove his case and Ext.C1C1(a)C1(b) are the commission report and sketch . There is no whisper in the commission report that two coconut tress cut down from the said property for drawing the 400KV line. The commissioner has not reported the existence of stem of coconut trees found by her at the time of inspection. In

the absence of any other evidence to prove the number age ,height,girth etc of the trees cut and removed from the property of petitioner, the Ext.B2 can be relied for the same .As there is no whisper in Ext.B2 regarding the cutting down of 2 coconut trees as alleged by the petitioner ,no compensation for coconut trees as sought for can be given to the petitioner.

23. The petitioner has sought for enhancement of compensation for other trees cut and removed from his property as Rs.40,000/-.As per Ext.B2 it can be seen that 9 padumaram ,8 teak, 2 konna and 1veppu(curry leaf tree) are cut down from the property of petitioner and as per Ext.B4 compensation paid for the same is Rs.5600/-.Considering the age and number of trees and other details shown in the Ext.B4 ,it can be seen that the compensation paid for the same is not adequate. Thus the petitioner is entitled to get enhancement of compensation for the same .9 Padumaram was cut down from the property of petitioner and the as per Ext.B4 respondent awarded for the same as Rs.1600/- (600+600+400) . 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. 2,400/- (1600+800)as compensation for the padumaram cut down from the property.2 Konna tree cut down from the property of the petitioner and the as per Ext.B4 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.7 teak trees cut down from the property of the petitioner and the as per Ext.B4

the respondent awarded the compensation of Rs.3,300/- (1800+600+900)for the same. Hence I am inclined to grant 50% of the increase of the same as Rs.4,950/- (3300+1650) as compensation for the teak trees cut down from his property.1 Veepu tree (Curry leaf tree)cut down from the property of the petitioner and the as per Ext.B4 the respondent awarded the compensation of Rs. 300 for the same. Hence, I am inclined to grant 50% of the increase of the same as Rs. 450/- (300+150) as compensation for the Veepu tree cut down from his property. So total enhanced amount of compensation for the trees cut down from the property of petitioner is Rs.12,900/-. Admittedly the petitioner has received Rs.5,600/- as tree cutting compensation. Hence after deducting the same ,the petitioner is entitled to get Rs.7,300/- (Rs.12900-5600) (Rupees Seven Thousand and Three Hundred only) as additional compensation towards the tree cut down from the property of petitioner for drawing 400KV line.

OP 111/2018

24. The petitioner in OP 111/2018 claimed that for the purpose of drawing 400 KV electric transmission line the respondent has cut and removed 5 coconut trees, aged 10 to 12 years, 31 arecanut tree aged 10 to 12 years, one mango tree, one konna tree, one curry leave tree, two jack fruit tree, 5 teak, one cashew tree, 45 plantains. Ext.B18 mahazar and Ext.B14 is the valuation statement of damages done to crops and trees and that shows that 5 coconut trees,31 arecanut trees were cut down from the property of petitioner and respondent has paid Rs.1,84,539/- as compensation for the

same. Though the petitioner alleged that apart from the trees mentioned in the mahazar some other trees also were cut down by the respondent . But the petitioner has not adduced any evidence to prove the same. Though the petitioner has taken out a commission and the commission report and sketch are marked as Ext,C2,C2(a)C2(b),there is no whisper in the same regarding the number of trees cut down from the property and the age, nature etc of the same .Thus the Ext.B18 mahazar can be relied for ascertaining the number ,age ,height, girth etc of the tress cut down from the property of petitioner. On perusal of the Ext.B14 valuation statement shows that the compensation paid for the trees cut down from the property is insufficient considering its age ,girth,height ,future expectancy etc.

25. The enhanced compensation for the same is determined as below.

1) 5 coconut tress aged 12 years.

In the petition it is stated that the annual yielding from the coconut trees cut from the property of petitioner is 400 numbers .Thus the petitioner is entitled to get Rs. 4400/-per year. But there is no evidence adduced to that effect. 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. As per Ext.A8 the wholesale price average list the of the year 2011 the average price of one coconut is Rs.7.906.No farm retail price list is produced. According to petitioner the retailed 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 5 coconut trees is Rs.5625/- (1125x5). So the petitioner is entitled to enhanced compensation for Rs.56,250/- (5625 x 10) (Rupees Fifty Six Thousand Two Hundred and Fifty only)

2) 31 arecanut trees 10-12 years.

In the petition it is stated that 8 Kg is the annual arecanut from a tree and as per Ext.C3 the commissioner reported that price of 1kg arecanut is Rs.150 in 2011.There is no dispute raised with regard to the same .Thus I am of the opinion that the annual income from one tree can be taken as 8 kg. So the average yield from arecanut tree for one year can be taken as Rs1200/- (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 900/-(1200_300).The net annual income of 31 arecanut trees is Rs. 27900/- (900x31). So the petitioner is entitled to enhanced compensation for Rs.2,79,000/-(27900x10)(Rupees Two lakh Seventy Nine Thousand only).

26. The petitioner has sought for enhancement of compensation for other trees cut and removed from his property as Rs.40,000/-. As per Ext.B14 it can be seen that 5 teak,4 padumaram and 1 pepper vine are cut down from

the property of petitioner and as per Ext.B14 compensation paid for the same is Rs.26800/-.Considering the age and number of trees and other details shown in the Ext.B14 ,it can be seen that the compensation paid for the same is not adequate. Thus the petitioner is entitled to get enhancement of compensation for the same .5 teak tree was cut down from the property of petitioner and the as per Ext.B14 respondent awarded for the same as Rs.2550/-. Considering the age and other parameters of the Jack fruit tree, I am inclined to grant 50% of the enhancement of the same. Accordingly, petitioner is entitled to get Rs. 3825(2550+1225)as compensation for the 5 teak trees cut down from the property. 4 padumaram tree cut down from the property of the petitioner and the as per Ext.B14 the respondent awarded the compensation of Rs. 800 for the same. Hence ,I am inclined to grant 50% of the increase of the same as Rs.1200/- (800+400) as compensation for the padumaram cut down from his property.1 pepper vine cut down from the property of the petitioner and the as per Ext.B14 the respondent awarded the compensation of Rs. 450 for the same. Hence I am inclined to grant 50% of the increase of the same as Rs. 675/- (450+225) as compensation for the 1 pepper vine cut down from his property .So total enhanced amount of compensation for the other trees cut down from the property of petitioner is Rs.5,700/-(3825+1200+675) (Rupees Five Thousand and Seven Hundred only). The total amount of tree cutting compensation is Rs.3,40,950/- (56250+279000+5700) (Rupees Three Lakhs Forty Thousand Nine Hundred and Fifty only). Admittedly the petitioner has received Rs.1,84,539/-(Rupees

One Lakh Eighty Four Thousand Five Hundred and Thirty Nine only) as tree cutting compensation. Hence after deducting the same, the petitioner is entitled to get Rs.1,56,411/-(3,40,950-1,84,539) (Rupees One Lakh Fifty Six Thousand Four Hundred and Eleven only) as additional compensation towards the tree cut down from the property of petitioner for drawing 400KV line.

OP 112 /2018

27. The case of the petitioner is that for the purpose of drawing 400 KV electric transmission line the respondent has cut and removed 2 coconut trees, aged 10 to 12 years, 8 arecanut tree aged 10 to 12 years, one mango tree, one konna tree, one curry leave tree, one jack fruit tree, one teak, two papaya tree, one cashew tree, 170 plantains, 180 tapioca, thirty yam, thirty colocasia. Ext.B7 mahazar and Ext.B11 valuation statement of damages done to crops and trees shows that 2 coconut trees, 8 arecanut trees, 2 Jack Fruit tree, 1 mango tree non yielding and 2 papaya trees were cut down from the property of petitioner and respondent has paid Rs.60135/- as compensation for the same. Though the petitioner alleged that apart from the trees mentioned in the mahazar some other trees also were cut down by the respondent. But the petitioner has not adduced any evidence to prove the same. Though the petitioner has taken out a commission and the commission report and sketch are marked as Ext,C2,C2(a)C2(b), there is no whisper in the same regarding the number of trees cut down from the property and the age, nature etc of the same. Thus the Ext.B7 mahazar can be relied for

ascertaining the number, age, height, girth etc of the tress cut down from the property of petitioner. On perusal of the Ext.B9 valuation statement shows that the compensation paid for the trees cut down from the property is insufficient considering its age, girth, height, future expectancy etc.

28. Hence the enhanced compensation for the same is determined as below.

1. 2 coconut tree

29. It is stated that the annual yielding from the coconut trees cut from the property of petitioner is 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 retailed 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 2 coconut trees is Rs.2250/- (1125x2).So the petitioner is entitled to enhanced compensation for Rs.22,500/-(2250 x 10) (Rupees Twenty Two Thousand and Five Hundred only).

2) 8 arecanut trees aged 8 and 15 years.

In the petition it is stated that 8 Kg is the annual arecanut from a tree and as per Ext.C1 the commissioner reported that price of 1kg arecanut is Rs.150 in 2011. There is no dispute raised with regard to the same. Thus I am of the opinion that the annual income from one tree can be taken as 8 kg. So price of the average yield from 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 8 arecanut trees is Rs. 7200/- (900x8). So the petitioner is entitled to enhanced compensation for Rs.72,000/-(7200x10) (Rupees Seventy Two Thousand only).

3) Other trees.

The petitioner contended that one mango tree, one konna tree, one curry leave tree, one jack fruit tree, one teak, two papaya tree, one cashew tree, 170 plantains, 180 tapioca, thirty yam, thirty colocasia and sought for awarding Rs 80,000/- for the same. As per Ext.B7 it can be seen that 2 jack fruit tree, 1 mango tree non yielding and 2 papaya tree are cut down from the property of petitioner. Ext.B9 shows the compensation paid for the Jackfruit tree, mango tree and papaya tree is Rs.11700/-(10000+1500+200). Considering the age and number of trees and other details shown in the Ext.B9, it can be seen that the compensation paid for the same is not adequate. Thus the petitioner is

entitled to get enhancement of compensation for the same. 2 jack fruit tree was cut down from the property of petitioner and the as per Ext.B19 respondent awarded for the same as Rs10,000/-. Considering the age and other parameters of the Jack fruit tree, I am inclined to grant 50% of the enhancement of the same. Accordingly, petitioner is entitled to get Rs.15,000/-(Rs.10000+5000) (Rupees Fifteen Thousand only) as compensation for the jack fruit tree cut down from the property. 2 papaya tree cut down from the property of the petitioner and the as per Ext.B9 the respondent awarded the compensation of Rs. 200 for the same. Hence I am inclined to grant 50% of the increase of the same as Rs.300/- (200+100) as compensation for the papaya tree cut down from his property.1 mango tree cut down from the property of the petitioner and the as per Ext.B9 the respondent awarded the compensation of Rs. 1500 for the same. Hence I am inclined to grant 50% of the increase of the same as Rs.2250/- (1500+750) as compensation for the mango trees cut down from his property. There is no evidence to show that one teak, one cashew tree, 170 plantains,180 tapioca,thirty yam,thirty colocasia etc cut down from the property of petitioner. Hence no compensation is awarded for the same. So total enhanced amount of compensation for the other trees cut down from the property of petitioner is Rs.1,09,800/- (22500+72000+15000+300) (Rupees One Lakh Nine Thousand and Eight Hundred only). Admittedly the petitioner has received Rs.60135 as per Ext.B8.So the petitioner is entitled to get Rs.49,665/- (1,09,800-60135) (Rupees Fourty Nine thousand Six hundred and

Sixty Five only) as additional compensation towards the tree cut down from the property of petitioner for drawing 400KV line.

30. Point no 2 in OP 110/2018, OP 111/2018 and OP 112/2018 :-As the discussion for all these point are same,for brevity and convenience the same are considered together.

31. The case of petitioners that due to the drawing of the 400 KV line through his property there is diminution of land value. According to petitioners there is 90% of diminution of land value .Thus the petitioners are entitled to get enhanced compensation of diminution of land .To prove the case of petitioner, the petitioner has taken out a commission with the assistance of surveyor. Ext.C1, C1(a), C1(b), C2, C2(a), C2(b), C3, C3(a), C3(b) are the commission report, sketch and proforma in these three cases. Ext. C1(a) sketch clearly shows that 25 cents is affected area in OP 110/2018 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 it is not possible to make construction of the residential building in the same. Ext.C2(b) shows that the affected area in OP 111/2018 is 32.200 cents. Ext.C3(b) sketch shows that the affected area in OP112/2018 is 36.250 cents. The respondent raised objection to the affected area calculated by the commissioner. The commissioner was examined as CW1 and she deposed in tune with the commission report. 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), C2, C2(a), C2(b), C3, C3(a), C3(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 if effected 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. Thus I am of the view that the affected area reported in the C1(b), C2(b), C3(b) can be taken in to consideration. Moreover Ext.C1 shows that the whole property of petitioner is affected due to the drawing of 400KV Line. 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,C2,C3 it can be seen that the said properties are 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. 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 for the affected area noted in the Ext.C1(b),C2(b),C3(b)

32. 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 that GO is not applicable to the property of the petitioner. The respondent contended that the fair value of the property at the relevant time was Rs.60000/-. 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. But the property of petitioners herein are not situated in survey no 970/2.Thus the Ext.A15 cannot be taken in to consideration for determining the market value of the property.

33. 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 .

34. The Ext.A3 to A5 are the documents of similar land and Ext.C1,C1(a),C2,C2(a),C3,C3(a) shows that the property covered by Ext.A3 to A5 are situated within 3 km from the property of the petitioners and according to commissioner the property of petitioners have more advantage than the property covered by said documents .On perusal of the said documents it can be seen that value of property shown in the similar land document is Rs.1,00,000/- to 1,33,333/-per cent .The said properties are in same village also. So value of property shown in similar land documents can be taken in to consideration. 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 , I am of the view that the the market value of the property can be fixed as Rs.1,00,000/-

per cent .Though the petitioner contended that due to the drawing of 400 KV line the petitioners lost substantial right over their 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 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. 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.

Hence the compensation for diminution of land value is assessed as follows:-

OP 110/2018

35. The petitioner is entitled to get Rs.12,50,000/- (1,00,000 x 25 x 50/100) for the diminution of value due to drawal of line. It is admitted that Rs. 58440 as compensation for the land in the line corridor area was already received by the petitioner. So the petitioner is entitled to get Rs11,91,160/- (12,50,000-58440) as compensation for the diminution of land value. The petitioner is also entitled to get 9% interest for the same.

OP 111/2018

36. The petitioner is entitled to get Rs.16,10,000/- ($1,00,000 \times 32.200 \times 50/100$) for the diminution of value due to drawal of line. According to petitioner no compensation for the land in the line corridor area was paid by the respondent. Respondent has not produced any document show ex gratia payment for land .So the petitioner is entitled to get Rs.16,10,000/- as compensation for the diminution of land value. The petitioner is entitled to get 9% interest on the additional compensation.

OP 112/2018

37. The petitioner is entitled to get Rs.18,12,500/-($1,00,000 \times 36.250 \times 50/100$) for the diminution of value due to drawal of line. It is admitted that Rs. 82200/- as compensation for the land in the line corridor area was already received by the petitioner. So the petitioner is entitled to get Rs.17,30,300/- ($18,12,500- 82200$) (Rupees Seventeen Lakhs Thirty Thousand and Three Hundred only) compensation for the diminution of land value. The the petitioner is also entitled to get 9% interest for the same.

38. Point no 4: In view of my findings on point no 2 and 3,the petitioners are 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 OP 110/2018 allowed in part as follows:

- 1) The petitioner is entitled to get a sum of Rs.11,98,460/- (7300+11,91,160) (Rupees Eleven Lakhs Ninety Eight Thousand Four Hundred and Sixty 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 of the proceedings from the respondent.

In the result, OP111/2018 allowed in part as follows:

- 1) The petitioner is entitled to get a sum of Rs.17,66,411/- (1,56,411+16,10,000) (Rupees Seventeen Lakh Sixty Six Thousand Four Hundred and Eleven 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 of the proceedings from the respondent.

In the result, OP112/2018 allowed in part as follows:

- 1) The petitioner is entitled to get a sum of Rs.17,79,965/- (49665+17,30,300) (Rupees Seventeen Lakhs Seventy Nine Thousand Nine Hundred and Sixty Five 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 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 16th day of March, 2026).

Sd/-

JAYA PRABHU

Additional District Judge II

Thrissur

Appendix

EOP 110/2018, EOP 111/2018 & EOP 112/2018

IA 2/2022 for Joint Trial allowed

EOP 110/2018 is the leading case.

Oral Evidence :

CW1- Adv. Sajna Muhamed examined on 19.01.2026

Exhibits:

A1- Notice (Original) Dated 11.01.2012 from Special Tahasildar (LA)

A2- Certified Copy of 5891/2012 deed S.R.O Chalakkudy

A3 – Certified Copy of deed no.3063/2012 Chalakkudy S.R.O

A4- Certified Copy of deed no. 2793/11 Chalakkudy S.R.O

A5- Certified Copy of reply from P.G.C.I.L.(by R.T.I ACT)

A6- Certified Copy of reply from Electrical Inspector dated 31.12.2024

A7- Certified Copy from wholesale price for the year 2011

A8- Certified Copy of order in G.O (MS) 2/2015/PD dt-21/01/2015 of the
Govt. of Kerala

A9-Copy of Order in G.O (MS) No. 27/2014/PD dt.19.08.2014 of Govt. of
Kerala

A10- Certified Copy of detailed valuation statement of the compensation
amount for the land.

A11- Certified Copy of order in EOP 149/2025 dt. 07-09-2025

A12- Copy of deed no. 3290/87

A13-Revenue Receipt

A14- Fair Value of land searched

A15- Print out of Death Certificate of saraswathy Raman

A16- Notice dt. 11-01-2012 issued by Special Revenue Officer

A17- Notice dt 22-11-2017 issued by special Revenue Officer

A18- Copy of partition deed no 3290/1987 Chalakkudy S.R.O

A19- Tax Receipt

A20- Notice dt-11-01-2012 issued by Special Revenue Officer

A21- Notice dt.22-11-2017 Issued by Special Revenue Officer.

A22- Copy of partition deed no 3290/1987 Chalakkudy SRO

A23- Tax Receipt dt. 24.06.2021

Respondents Exhibits:

B1- Notice No.3521 dt-17.01.11

B2- Mahazar dt.03-03-2011 (True Copy)

B3- Tree Clearance notice (Copy) No 1596 dt 26-11-11

- B4- Copy of detailed valuation statement no-3859dt.24.01.2012 for free/crop compensation
- B5- Detailed valuation statement of the exgratia amount for the corridor (OP)s.
- B6- Copy of notice bears no. 3520 dt 17-01-2011
- B7- Copy of Mahazar prepared for tree cutting dt-03-03-11
- B8- Copy of Receipt No.4567 for accepting the compensation amount towards tree/ crop compensation.
- B9- Copy of valuation statement no. 3858 for tree or crop compensation dt.24.01.12
- B10- Copy of certificate for compensation for tree clearance under Indian Telegraph ACT.
- B11- Copy of valuation statement of damages done to crops / Trees on Kochi Thrissur line
- B12- Detailed valuation statement of Ex-gratia amount for the corridor of Kochi – Thrissur 440 KV line
- B13 – Detailed valuation statement of ex gratia amount for the corridor of Kochi -Thrissur 400 KV line
- B14- Copy of valuation statement of damages done to crops/ Trees of Kochi- Thrissur Line

- B15- Copy of certificate for compensation for tree clearance under Indian Telegraph At dt.26.11.2011
- B16- Copy of valuation Statement no 3861 for tree or crop compensation
- B17-Copy of receipt No.4570 for accepting the compensation amount towards tree / crop compensation dt.24.01.2012
- B18- Copy of Mahazar prepared for tree cuttings dt-03-03-12
- B19- Copy of notice bearing no 3522 dt.17.01.11
- B 20- Copy of notice issued by KSEB in favour of PGCK dt 02.03.09
- B21- Copy of notice issued by the Chief Engineer of KSEB to the Chief Manager of PGCIL dt 24.10.09
- B22-Copy of Order of KSEB dt 09.02.10
- B23 -Copy of notice issued from office of Deputy Chief Engineer KSEB in favour of Chief Manager PGCIL
- B24- Copy of Notice issued by the Deputy Chief Engineer of KSEB to the Chief Manager of PGCIL
- B25- Copy of Notice issued by Chief Manager of PGCIL to Deputy Chief engineer of KSEB
- B26- Copy of Sketch

Court Exhibits:

1. C1- Report

C1(a) Sketch

C1(b) Proforma

2. C2 -Report

C2(a) Sketch

C2(b) Proforma

3.C3 -Reort

C3(a)Sketch

C3(b) Proforma

By Adv. Commissioner

Sajna Muhammed in EOP 110/18 ,111/18 &112/18

Sd/-

**JAYA PRABHU
ADDITIONAL DISTRICT JUDGE II
THRISSUR**

/ True Copy /

By Order

Copied by: NEM

Compared by :SMS

Sheristadar

Common Order in
EOP 110/2018,
111/2018,
112/2018
Dated: 16.03.2026