

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.28/2023

1. The Junior Engineer, Power Grid Corporation Ltd., Kumarghat, Vill.-Ratiabari, P.O. & P.S.-Kumarghat, District-Unakoti, Tripura.

2. The Power Grid Corporation of India Ltd., 132 KV Line, Kumarghat Sub Station of Vill.-Ratiabari, P.O. & P.S.-Kumarghat, District-Unakoti, Tripura, Pin-799206.

Both the Petitioners are represented by the General Manager of Power Grid Corporation of India Ltd.

..... Petitioner(s).

V E R S U S

1. Shri Tinkhuma Darlong, S/O. Lt. Suroia Darlong,

2. Shri Thanga Darlong @ C. Thanga Darlong, S/O. Lt. Zathanga Darlong,

3. Shri Biaka Darlong, S/O. Lt. Zathanga Darlong,

4. Shri Hrengbula Darlong, S/O. Lt. Shona Darlong,

5. Smt. Khami Darlong @ Khuasmi Darlong, D/O. Lt. Jhona Darlong, W/O. Minga Darlong,

All are residents of Village-Sailapi, P.S.-Kailashahar, District-Unakoti, Tripura.

.....Respondent(s).

For Petitioner(s) : Mr. R.K.P. Singh, Advocate.

For Respondent(s) : Mr. Niljyoti Debnath, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

Order

28/11/2025

Heard Mr. R.K.P. Singh, counsel for the petitioners and Mr. Niljyoti Debnath, counsel for the respondents.

2. This Revision is preferred against the judgment dt.05.07.2022 of the District Judge, Unakoti District, Kailashahar in Civil Misc.(Telegraph) No.01 of 2017 wherein the said Court had enhanced the compensation awarded to the 5(five) respondents for cutting fruit bearing trees and utilizing land of respondents for laying high tension electric line and towers by Rs.20,000/- (Rupees twenty thousand) for deprivation of use of their land and an additional amount of Rs.50,000/- (Rupees fifty thousand) towards loss of income from

fruit bearing trees in future which they would have otherwise earned annually as a recurring income.

3. In paragraphs-9 & 10 of the impugned judgment, the rationale has been set out. Para-9 & 10 read as under:

"9. Hon'ble High Court while passing judgment in CRP No.03/2019 observed in Para No.12 observed that the claim of the petitioners were not considered by the respondent as well as by the learned trial court since no amount had been given for the diminution of the land value caused by the drawing of electric line. This court is also of the view that laying of high tension electric line actually renders the underneath land of the tower and power line to be useless since the proximity of the tower and underneath the power line, at least 3/4 meter wide footpaths need to be laid and kept free at all time for laying the line and towers along with movement of heavy machineries and along with that for periodic servicing the lines the stretch of land used perpetually. As such, as damage cost of the land the each of the petitioners is awarded a sum of Rs.20,000/- since the lands of the petitioners are situated in a cheap rated area. The petitioners are all rural tribal and illiterate people and a great part of their source of income is also derived from the fruits which the damaged trees would bear and as such, the petitioners are also entitled to a good amount as annual return of the fruit bearing trees, which they failed to income for felling and cutting of the trees and for fair ends of justice this court also awards a sum of Rs.50,000/- each to the petitioners as future annual return.

10. Therefore, based on the above calculation the petitioner Sri Biaka Darlong shall be awarded an amount of Rs.3,00,263/- (Rs.2,30,263/- + Rs.20,000 + Rs.50,000). Other petitioners, namely, Sri Tinkhuma Darlong, Sri Thanga Darlong@C. Thanga Darlong, Sri Hrenghbula Darlong and Smt. Khami Darlong are entitled to an amount of Rs.70,000/- each (Rs.20,000/- + Rs. 50,000/-) as additional amount of compensation beyond the compensation already received by them."

4. Counsel for the petitioners contends that the Court below could not have granted these reliefs across the board to all the respondents. According to him, there is no basis for arriving at the figure of Rs.50,000/-.

5. I do not agree with the said submission for the reason that the Court below had followed the judgment passed by this Court in CRP No.03 of 2019 where compensation was granted for loss of use of land on account of erection of pillars etc. by the petitioners in the land of land owners, and the compensation awarded by the Court below is on the basis of the prevailing market rate of land in the area. The number of trees which were cut in each of the petitioners' land has been set out in the judgment itself.

6. The trees grown by the respondents which are listed in the impugned judgment are banana, pan, mango, papaya, supari and tea bush apart from rubber, litchi and jackfruit. All these trees undoubtedly yield income annually if they had been allowed to stand by the petitioners. Therefore, there is nothing wrong in order of Court below awarding to the respondents compensation towards loss of annual return of income from fruit bearing trees in a lump sum.

7. Even otherwise, I do not see any perversity or illegality in the judgment of the Court below warranting interference by this Court in exercise of its power of superintendence under Article 227 of the Constitution of India.

8. Accordingly, the Revision fails, and is dismissed with costs of Rs.5000/- to be paid to each of the respondents by the petitioners within 8(eight) weeks.

Send down the LCRs forthwith.

Pending application(s), if any, stands disposed of.

(M.S. RAMACHANDRA RAO, CJ)

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