

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT APPEAL NO.75 OF 2026 (GM-KEB)

BETWEEN:

1. THE EXECUTIVE ENGINEER
MAJOR WORKS DIVISION,
KPTCL, SUB DIVISION-1,
JCR CIRCLE, 3RD CROSS (EAST),
JCR EXTENSION, CHITRADURGA - 577 501,
REPRESENTED BY MALLIKARJUNA SWAMY.
2. THE ASSISTANT EXECUTIVE ENGINEER
MAJOR WORKS DIVISION,
KPTCL, SUB DIVISION-1,
JCR CIRCLE, 3RD CROSS (EAST),
JCR EXTENSION,
CHITRADURGA - 577 501,
REPRESENTED BY MANJUNATHA SWAMY.

...APPELLANTS

(BY SMT. RAKSHITHA D. J., ADVOCATE)

Digitally
signed by
NAGARATHNA
M

Location: High
Court of
Karnataka

AND:

JAYANNA P
S/O PARASUHURAMAPPA @ PARASHURAMAPPA K,
AGED ABOUT 61 YEARS,
RESIDENT OF A V KOTIGE VILLAGE,
BEERENAHALLI POST,
HIRIYUR TALUK,
CHITRADURGA DISTRICT - 577 599.

...RESPONDENT

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE/MODIFY THE ORDER DATED 08.10.2025 IN WRIT PETITION NO.1459 OF 2025 (GM-KEB) PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND CONSEQUENTLY, TO ALLOW THE WRIT APPEAL.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED ON 03.08.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, **VENKATESH NAIK T. J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

This appeal has been filed by the appellants- Karnataka Power Transmission Corporation Limited seeking to set aside the order dated 08.10.2025 passed by the learned Single Judge in Writ Petition No.1459 of 2025 (GM-KEB), whereby the writ petition filed by the appellants challenging the order dated 04.09.2024 passed by the learned I Additional District and Sessions Judge, Chitradurga, in Civil Miscellaneous No.402 of 2021 came to be dismissed.

2. The brief facts of the case are as under:

The respondent-claimant is the owner and cultivator of agricultural land bearing Survey No.136/17, measuring 3 acre and 32 guntas (including 2 guntas karab), situated at Mayasandra Village, Kasaba Hobli, Hiriyr Taluk, Chitradurga District. According to the respondent, the land is fertile, irrigated and being used for cultivation of various agricultural crops. In the year 2018, the appellants installed transmission line of 220 KV in the land of the respondent and at the time of erection of towers, the appellants paid compensation of Rs.4,95,856/- as full and final compensation for the diminution land value as per the Deputy Commissioner's order dated 04.12.2018, and the respondent accepted the compensation without protest. Thereafter, the respondent filed Civil Miscellaneous No.402 of 2021 before the learned I Additional District and Sessions Judge, Chitradurga, under Section 16(3) of the Indian Telegraph Act, 1885, claiming additional compensation for alleged loss caused due to installation of 220 KV transmission line/towers over his

land. On 04.09.2024, Civil Miscellaneous No.402 of 2021 filed by the respondent was partly allowed and the trial Court directed the appellants to pay additional compensation of Rs.28,028/- with interest at the rate of 8% per annum to the respondent.

3. Being aggrieved by the order dated 04.09.2024 passed by the trial Court, the appellants preferred Writ Petition No.1459 of 2025 (GM-KEB) before this Court. The learned Single Judge, by order dated 08.10.2025, dismissed the writ petition. Hence, the appellants are before this Court.

4. We have heard the learned counsel appearing for the appellants-KPTCL, the learned counsel appearing for the respondent-claimant and have carefully perused the material placed on record.

5. Learned counsel appearing for the appellants-KPTCL has contended that the compensation payable towards diminution land value had already been assessed by the Deputy Commissioner and amount of

Rs.4,95,856/- had been paid to the respondent and the respondent has voluntarily received the compensation without any objections. It is further contended that 220 KV transmission line and towers were drawn within an existing transmission corridor established during the years 1980-1981 and therefore, the respondent could not have claimed Rs.28,028/- afresh merely on account of erection of the transmission line and towers and the same would amount to duplication. Hence, on all these grounds, the learned counsel prays to allow the appeal.

6. *Per contra*, the learned counsel appearing for the respondent-claimant has contended that during installation of 220 KV transmission towers, standing crops over an extent of 1 acre and 20 guntas were damaged, resulting in loss, reduced fertility and decrease in the market value of the land. Earlier compensation of Rs.4,95,856/- did not constitute compensation towards diminution in value of the land. Therefore, the respondent approached the trial Court under Section 16(3) of the Indian Telegraph Act, 1885, seeking determination of

further compensation. The trial Court, upon consideration of the pleadings, oral and documentary evidence and the material available on record, granted additional compensation of Rs.28,028/- towards diminution in value of the land, together with interest at the rate of 8% per annum and the additional compensation awarded by the trial Court cannot be treated as duplication of the amount of Rs.4,95,856/- as it was granted towards crop damage and incidental loss awarded by the Deputy Commissioner, Chitradurga. Further, the learned Single Judge rightly declined to interfere with the order passed by the trial Court. Hence, the learned counsel prays to dismiss the appeal.

7. In view of the rival submissions of the learned counsel on both side, the following point arises for our consideration:

Whether the appellants-KPTCL have made out any grounds warranting interference with the order dated 08.10.2025 passed by the learned Single Judge in Writ Petition No.1459 of 2025 (GM-KEB)?

8. We have given our anxious consideration to the submissions made by the learned counsel for the parties and have carefully examined the material on record, including the order dated 04.12.2018 passed by the Deputy Commissioner, Chitradurga, the order dated 04.09.2024 passed by the trial Court, and the order dated 08.10.2025 passed by the learned Single Judge of this Court.

9. Admittedly, installation of 220 KV transmission line and towers over a portion of the respondent's land is not in dispute. It is also not in dispute that amount of Rs.4,95,856/- was assessed by the Deputy Commissioner, Chitradurga, and paid to the respondent.

10. The case of the appellants is that amount of Rs.4,95,856/- awarded towards diminution in value of the

land and therefore, the subsequent award of Rs.28,028/- would amount to duplication of compensation. It is also their case that the respondent accepted earlier compensation without protest and did not challenge the order dated 04.12.2018 passed by the Deputy Commissioner, Chitradurga.

11. The respondent, on the other hand, submits that the amount of Rs.4,95,856/- was awarded towards crop damage and incidental loss and Rs.28,028/- was awarded towards diminution in value of the land.

12. Thus, the primary question that would arise for consideration in this appeal is whether the amount of Rs.4,95,856/- passed by the Deputy Commissioner, included compensation towards diminution in value of the land and the subsequent award of Rs.28,028/- amounts to duplication of compensation.

13. We have carefully examined the order dated 04.12.2018 passed by the Deputy Commissioner, Chitradurga. The said order contains the assessment

relating to the crops, extent of the affected area, and the compensation payable in respect of such loss. However, the said order does not disclose any separate assessment or determination towards diminution in the market value of the land on account of installation of 220 KV transmission line and towers. Merely because the amount of Rs.4,95,856/- was paid as compensation arising out of the transmission work, it cannot be presumed that the said amount also included compensation towards diminution in value of the land.

14. The distinction between the two heads of compensation is material. Compensation for crop damage relates to the immediate loss caused by damage to standing crops during execution of the transmission work and the diminution in value of the land relates to the continuing effect of the transmission line and towers upon the use, utility and potential of the land.

15. In the present case, since the Deputy Commissioner had not determined the diminution in value

of the land, the respondent was justified in approaching the trial Court and the trial Court rightly awarded additional compensation of Rs.28,028/- with interest at the rate of 8% per annum.

16. Further, the learned Single Judge, relying on the judgment of a Co-ordinate Bench of this Court in the case of ***The Executive Engineer and Another v. Doddakka, [Writ Petition No.39979 of 2013 (GM-KEB) disposed of on 06.08.2014]***, that merely because the landowner continues to retain ownership and is able to carry on some agricultural activity, it does not follow that there is no diminution in value of the land and the restrictions on the use and utility of the affected land are relevant factors while determining compensation, rightly dismissed the writ petition filed by the appellants.

17. The appellants have not placed any material before us to establish that the Deputy Commissioner, while passing the order dated 04.12.2018, had assessed or quantified diminution in value of the land. On the

contrary, the material placed before us indicates that the assessment related to crop damage and the consequential compensation.

18. The contention that the respondent accepted the amount of Rs.4,95,856/- without protest also cannot, in the facts of the present case, defeat his claim under a separate head of compensation which had not been assessed earlier. Acceptance of compensation for one component of loss cannot, by itself, amount to waiver of a statutory remedy in respect of another component of loss which was not determined.

19. It is also the case of the appellants that 220 KV transmission line was laid through an existing transmission corridor established during the years 1980-1981. The existence of an earlier corridor may be a relevant circumstance while determining the actual extent of loss. However, that circumstance, by itself, cannot establish that there was no diminution in value or utility of the respondent's land on account of the transmission line

and towers in question. We are, therefore, of the considered opinion that the trial Court was justified in exercising the jurisdiction under Section 16(3) of the Indian Telegraph Act, 1885, and in determining the additional compensation on the basis of the material and evidence placed before it and the learned Single Judge was equally justified in declining to interfere with the said order.

20. For the foregoing reasons, we are of the considered opinion that no ground is made out warranting interference with the order passed by the learned Single Judge. The writ appeal is devoid of merit and is liable to be dismissed. Accordingly, the writ appeal is ***dismissed***.

21. Pending interlocutory applications, if any, shall stand dismissed.

22. Today, the learned counsel for the appellants submits that a memo has been filed on 30.07.2026 along with original Demand Draft bearing No.884813 dated

29.07.2026 for amount of Rs.28,028/-, drawn on Canara Bank, P.J. Extension, Davanagere.

The delay in furnishing the Demand Draft is condoned. The Demand Draft is accepted.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

KVK