

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.201 OF 2026 (GM-KEB)

BETWEEN:

1. MANAGING DIRECTOR
M/S. RENEW POWER LIMITED,
COMMERCIAL BOCK-I, ZONE-6,
GOLF COURSE ROAD,
DLF CITY PHASE-V, GURGAON,
HARYANA-122 009.
2. THE BRANCH MANAGER
RENEW POWER LIMITED,
QUEENS PARADISE,
NO.16, GROUND FLOOR,
CURVE ROAD, TASKER TOWN,
NEAR INDIAN EXPRESS CIRCLE,
BENGALURU-560 051.

...APPELLANTS

(BY SRI PRADEEP DARAK, ADVOCATE)

Digitally
signed by
NAGARATHNA
M

Location: High
Court of
Karnataka

AND:

RAJAPPA @ RAJAPPA P N @ RAJAPPA N B
S/O LATE NAGAPPA,
AGED ABOUT 57 YEARS,
AGRICULTURIST,
RESIDENT OF KATANAHAATTI VILLAGE,
BEERENAHALLI POST, HIRIYUR TALUK,
CHITRADURGA DISTRICT - 572 143.

...RESPONDENT

(BY SRI R. SHASHIDHARA, ADVOCATE)

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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER DATED 13.11.2025 PASSED BY THE HON'BLE SINGLE JUDGE IN WRIT PETITION NO.10984 OF 2025 (GM-KEB) AND CONSEQUENTLY, RESTORE THE JUDGMENT AND ORDER DATED 03.03.2025 IN CIVIL MISCELLANEOUS NO.74 OF 2022 PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, CHITRADURGA.

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 seeking to set aside the order dated 13.11.2025 passed by the learned Single Judge in Writ Petition No.10984 of 2025 (GM-KEB), whereby the writ petition filed by the appellants challenging the order dated 03.03.2025 passed by the learned II Additional District and Sessions Judge, Chitradurga, in Civil Miscellaneous No.74 of 2022 came to be allowed and the matter was remanded for fresh consideration.

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

The respondent-claimant is the owner and cultivator of agricultural land bearing Survey No.129/8, measuring 6 acre and 23.08 guntas situated at Beerenahalli Village, Hiriyur Taluk, Chitradurga. According to the respondent, the land is fertile, irrigated and being used for cultivation of various agricultural crops. In the year 2018, the appellants erected 400/220 KV high tension transmission line and tower over a portion of the respondent's land, covering about 1 acre and 20 guntas resulting in destruction of standing crops, removal of perennial trees and permanent restriction on agricultural use of the corridor area. Hence, amount of Rs.12,00,000/- was granted as compensation by the Deputy Commissioner, Chitradurga, to the respondent. However, the respondent filed a civil miscellaneous petition before the reference Court contending that the said compensation was confined only to the crop loss, trees and incidental charges and no compensation was assessed or paid towards diminution in the market value of the land. The reference Court

dismissed the civil miscellaneous petition. Being aggrieved by the order of dismissal of the civil miscellaneous petition, the respondent filed Writ Petition No.10984 of 2025. In turn, the learned Single Judge of this Court passed the following order:

"i. The writ petition is allowed.

ii. The Judgment and Order dated 03.03.2025 passed in Civil Miscellaneous No.74/2022 by the II Additional District and Sessions Court, Chitradurga is set aside.

iii. The matter is remitted back to the trial Court for fresh consideration in accordance with law.

iv. The parties shall appear before the trial Court on 08.01.2026 without awaiting further notice.

v. All contentions of the parties are kept open.

vi. The trial Court shall examine whether the Deputy Commissioner has undertaken a conscious, reasoned and an independent assessment of diminishing in land value of the

land caused due to the laying of high tension transmission line and if such assessment is not assessed, proceed to determine and quantify the compensation towards diminishing of land value as a distinct head, and re-examine the evidence relating to crop loss and other claim."

3. Being aggrieved by the order passed by the learned Single Judge, the appellants are before this Court.

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

5. Learned counsel appearing for the appellants has contended that the compensation payable towards diminution land value had already been assessed by the Deputy Commissioner and amount of Rs.12,00,000/- had been paid to the respondent and the respondent has voluntarily received the compensation without any objections and therefore, the respondent could not have claimed further compensation on account of loss of crop

of areca nut, mango fruits and drumstick plants, etc. afresh merely on account of erection of the transmission line and towers and the same would amount to duplication. However, the learned Single Judge without considering these aspects remanded the matter for reference Court for fresh consideration, which requires interference. 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 the Deputy Commissioner's order and payment particulars do not disclose any assessment of compensation towards diminution in land value. The reference Court proceeded on an erroneous assumption that the compensation paid covered all heads without framing a clear issue or by recording a finding, specifically, on the diminution value. Further, the compensation for corridor, crops, trees and bore well were considered, however, the loss of land value have not been considered. The dismissal of the claim petition filed by the respondent without proper

appreciation of evidence, which amounts to failure to exercise jurisdiction vested under Section 16(3) of the Indian Telegraph Act, 1885. Therefore, the learned counsel for the respondent justifies the judgment and order passed by the learned Single Judge in remanding the matter for fresh consideration. Hence, on all these grounds, 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 have made out any grounds warranting interference with the order dated 13.11.2025 passed by the learned Single Judge in Writ Petition No.10984 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 31.08.2021 passed by the Deputy Commissioner, Chitradurga, the order dated

03.03.2025 passed by the reference Court, and the order dated 13.11.2025 passed by the learned Single Judge of this Court.

9. Admittedly, installation of 400/220 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.12,00,000/- was assessed by the Deputy Commissioner, Chitradurga, and paid to the respondent.

10. The case of the appellants is that the compensation for diminution in land value on account of erection of high tension electricity transmission line has been paid by the appellants. On the other hand, the respondent has claimed that the diminution of the land value has not been considered by the Deputy Commissioner as well as the reference Court.

11. Thus, the primary question that would arise for consideration in this appeal is whether the amount of Rs.12,00,000/- passed by the Deputy Commissioner,

Chitradurga, included compensation towards diminution in value of the land.

12. We have carefully examined the order dated 31.08.2021 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 reference Court has not examined whether the order of the Deputy Commissioner, in fact, covers the diminution in the value of the land. The non-consideration of the above aspect vitiates and as such, the order of the reference Court cannot be sustained and therefore, the learned Single Judge rightly remanded the matter for fresh consideration, which do not requires any interference at the hands of this Court.

13. 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***.

Pending interlocutory applications, if any, shall stand dismissed.

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

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

KVK