



CNR: KAHC010760132025

NC: 2026:KHC:44338-DB
WA No. 1852 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 1852 OF 2025 (GM-KEB)

BETWEEN:

1. THE EXECUTIVE ENGINEER (ELE)
MAJOR WORKS SECTION, KPTCL
R. HANUMANTHAPPA BUILDING
P.B. ROAD
DAVANAGERE - 577 001
2. THE ASSISTANT EXECUTIVE ENGINEER (ELE)
MAJOR WORKS DIVISION-1
KSRTC DEPOT ROAD
KARNATAKA POWER TRANSMISSION
CORPORATION LIMITED
CHITRADURGA - 577 501
3. THE ASSISTANT EXECUTIVE ENGINEER (ELE)
T L M., SUB-DIVISION
KPTCL, VIDHYA NAGARA
DAVANAGERE - 577 001

...APPELLANTS

(BY SRI DEVARAJU H.V., ADVOCATE)

AND:

1. SRI K. SIDDESH @ SIDDESHA
S/O SRI EMME KENCHAPPA
ALIAS KENCHAPPA
PRESENTLY AGED ABOUT 55 YEARS



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RESIDING AT MADAKRIPURA VILLAGE
CHITRADURGA TALUK AND DISTRICT - 577 501

...RESPONDENT

(RESPONDENT - SERVED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET-ASIDE THE ORDER DATED 14/08/2025 PASSED IN W.P. NO.24020/2022 BY THE LEARNED SINGLE JUDGE AND ALLOW THE WRIT PETITION.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. None appears on behalf of the respondent despite service of notice. We note that none had appeared for the respondent on the previous hearing as well (hearing held on 18.06.2026), and the hearing was adjourned in the interest of justice.

2. The appellants have filed the present appeal impugning an order dated 14.08.2025 [**impugned order**] passed by the learned Single Judge in Writ Petition No.24020/2022 (GM-KEB) [NC: 2025: KHC: 31571], whereby the learned Single Judge had, *inter alia*, directed that the diminution of value of the land be considered at



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50% instead of 30% as assessed by the learned District Judge. Additionally, in respect of the land falling under one of the Towers, the learned Single Judge held that the diminution of value of the area be computed at 85%.

3. The respondent preferred the aforementioned writ petition impugning the order dated 13.07.2022 passed by the First Additional District and Sessions Judge, Chitradurga, in Civil Misc. No.226/2011.

4. Briefly stated, the relevant facts are that the respondent is the owner of lands measuring 1 acre 12 guntas falling in Survey No.114/2A and 12 guntas falling in Survey No.114/4 of Madakaripura Village, Chitradurga Taluk and District. The respondent uses the said land to cultivate flowers, fruits and agricultural crops. In 2009, the appellants drew a 66 KV transmission line and constructed a tower measuring 20 x 20 feet on the said land. The State has also paid compensation of ₹4,941/- on 15.09.2009 on account of the damage caused and diminution of the value of the subject land.



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5. The respondent challenged the said award of such compensation and filed a petition under Section 16 (3) of the Indian Telegraph Act, 1885 (Civil Misc. No.226/2011) claiming compensation of ₹17,62,000/- (Rupees Seventeen Lakh Sixty Two Thousand only) along with current and future interest as damages to his lands.

6. The learned Additional District and Sessions Judge disposed of the said petition by directing the appellants to pay compensation of ₹44,500/- along with interest at the rate of 6% per annum from the date of the petition till its realisation. The said compensation was premised on the basis that the market value of the subject land was ₹3,00,000/- per acre and the calculation of diminution in value was 30%.

7. The respondent challenged the said order in the writ petition, which was allowed by the impugned order. The learned Single Judge enhanced the compensation to ₹2,25,262.50/-.

8. We may note that the learned Single Judge had referred to the decision of the Division Bench of this Court in Writ Appeal



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No.100366/2022 (GM-RES) and other connected matters (**The Chief Engineer, Electricity Transmission Zone, KPTCL, Ballari vs. Gangappa** decided on 20.06.2023) and on the strength of the said decision, held that the diminution in the value of land be considered at 50% instead of 30% as assessed by the learned District Judge.

9. The learned counsel appearing for the appellants does not dispute that the question involved is covered by the decision of the Coordinate Bench of this Court in **the Chief Engineer, Electricity Transmission Zone** (*supra*). He, however, contends that in the said case, the Coordinate Bench of this Court had clearly found that the diminution in value to the extent of 50% was not sustainable.

10. We consider it apposite to set out the following extract of the said decision:

"10. There is no dispute with regard to utilization of the respondents' lands in all the writ appeals for erection of 400 KV high tension transmission line and for erection of electrical towers. The trial Court while awarding the enhanced compensation has taken diminutive value of the lands utilized at 50%. It cannot be disputed that erection of high voltage electrical line through/over any agricultural land by the appellants/KPTCL in exercise of



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powers conferred on them under Section 10 of the Act, 1885 would result definitely in reduction of value of the property. It is to be noted that diminutive value is to be assessed taking note of potentiality of the lands, its utilization, fertility of the land and commercial value of the land etc. What is the percentage of diminutive value is to be determined by the Courts. While determining the diminutive value, the Court shall take note of the crops grown in the land, whether it is commercial or agricultural. The value of the land would also be a relevant factor for determining diminutive value. The amount of compensation is required to be determined keeping in view the purpose and object of the statute. There cannot be any hard and fast rule in this behalf. Undisputedly, the claimants/respondents would not be in a position to utilize the land as they were utilizing the lands earlier, because of erection of electric transmission line. No doubt the claimants/respondents would not be in a position to grow trees underneath the high tension transmission line, but they are not deprived of the lands from utilizing for any other agricultural activity. Admittedly, possession of the lands are not taken by the appellants and title remains with the respondents/land owners. Respondents/land owners are not prohibited from utilizing the lands for any other purpose beneath the electric transmission line. It is the case of the respondents that they were growing chilly, groundnut and other commercial crops. Erection of electric line would not come in the way of growing chilly, groundnut and other crops beneath the electric lines. But there may be little reduction in yield. To compensate such reduction in yield and also land value, diminutive value is to be assessed.

11. Learned Single Judge of this Court in WP No.39979/2013, dated 6.8.2014 at paragraph-24 has held as follows:

24. As regards the diminution value of the land falling within the corridor, the learned District Judge having determined the market value of the land has awarded 50% of the same as diminution value. It cannot be disputed that though the



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farmer is not capable of growing trees underneath the corridor, he is not totally deprived of utilizing the land for carrying out other agricultural operations. He is entitled to grow other crops which may not affect the high voltage transmission line. Though the farmer is deprived of the opportunity to utilize the land to its full potential and grow horticulture crops, particularly consisting of trees and other luxurious shrubs, he is capable of utilizing the land. The title of the land continues to vest in him. It is no doubt true that his access to the land and use of the same by erecting any pome, shed or any other installation will be restricted. In a case like this where high voltage transmission line is drawn across the land, utilization of the other portion of the land is also affected. Therefore, all these facts have to be taken into consideration before determining the diminution in the land value on account of drawing of high voltage electrical line. If these relevant facts are borne in mind, particularly having regard to the photographs produced and the evidence adduced by the claimant-land owner, I find that 30% of the market value of the area affected shall have to be paid as diminution value of the land to the farmer.

12. A co-ordinate Bench of this Court in WA Nos.2883-2884/2014, dated 15.03.2019 upholding the decision of the learned Single Judge made in WP No.39979/2013 referred to above, confirmed the diminutive value of the land utilized at 30%. The Hon'ble Apex Court in the case of Kerala State Electricity Board Vs. Livisha & Others¹ while considering the compensation payable under the Indian Telegraph Act, 1885 for utilization of the land for the purpose of erection of high tension electric line, at paragraph-9 of the judgment has held as follows:

9. Both telegraph lines and electrical lines are required to be drawn over the agricultural lands and/or other properties belonging to the third parties. In drawing such lines, the entire land



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cannot be acquired but the effect thereof would be diminution of value of the property over which such line is drawn. The Telegraph Act, 1885 provides for the manner in which the amount of compensation is to be computed therefor. Section 10 of the Act empowers the authority to place and maintain a telegraph line under, over, along or across or posts in or upon any immovable property. Section 11 empowers the officers to enter on property in order to repair or remove telegraph lines or posts. Section 12 empowers the authority to grant permission for laying down such lines to a local authority in terms of Clauses (c) and (d) of the proviso to Section 10 of the Act subject to reasonable conditions as it may think fit.....

10. The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small tract 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 furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used."

11. As apparent from the above, the Co-ordinate Bench of this Court had found the measure of diminution in value at 50% unjust and unreasonable. The Court upheld the diminution in value of the lands at 30%.



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12. In view of the above, we allow the present appeal and direct that the compensation for diminution in value of the subject land be quantified and paid at the rate of 30% of the market value instead of 50% or 85% as directed by the learned Single Judge.

13. The appeal is allowed in the aforesaid terms.

14. The pending interlocutory application also stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

AHB
List No.: 1 SI No.: 13