

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

CRP.No.385 of 2006

OP (ELE) 509/1995 of I ADDL.DISTRICT COURT, ERNAKULAM.

REVISION PETITIONER/RESPONDENT: ..

**KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY.**

**BY SRI.P.SANTHALINGAM (SENIOR ADVOCATE)
ADVS.SRI.K.R.SADASIVAN NAIR
SRI.C.K.KARUNAKARAN, SC FOR KSEB
SRI.S.SHARAN,SC,K.S.E.BOARD**

RESPONDENT'S/PETITIONER'S:

- 1. AMEENA,W/O.LATE P.M.SULAIMAN,
PEECHAMPILLY,VAZHAKKALA.**
- 2. P.S.SHAILAJA,D/O.LATE P.M.SULAIMAN,
PEECHAMPILLY,VAZHAKKALA.**
- 3. P.S.MANAF,S/O.LATE P.M.SULAIMAN,
PEECHAMPILLY,VAZHAKKALA.**
- 4. P.S.NEESHA,D/O.LATE P.M.SULAIMAN,
PEECHAMPILLY,VAZHAKKALA.**

**R2 & R3 BY ADVS.SRI.JOSE JOSEPH ARAYAKUNNEL
SRI.VARGHESE PARAMBIL**

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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C.R.P. No.385 of 2006

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Dated this the 12th day of June, 2015

ORDER

Kerala State Electricity Board is challenging the order in O.P.No.509 of 1995, passed by the 1st Additional District Court, Ernakulam.

2. According to the petitioner, the diminution in the land value granted by the court below in the common order dated 9.05.2003, is too high. It seems that a 110 KV line was drawn over the property of the respondents herein. It has come out in evidence that 23 cents of property is affected on account of the overhead power line. Two cents of property have been fully lost as the same is occupied by the tower. The court below has considered the land value as ₹10,000/- per cent. It seems that 20% of the value of the land affected by the the overhead power line and the full market value of the property occupied by the tower is granted as compensation towards diminution in land value.

The same is under challenge.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. It seems that 23 cents of property affected by the overhead power line. When it is a 110 KV line, the course adopted by the court below to fix the compensation, on account of diminution in the land value for the land affected by the overhead power line as 20% of the market value, seems to be correct. There is absolutely nothing to interfere with the same. Similarly, when two cents of property is wholly affected by the erection of the tower, the entire land value of the said 2 cents have to be granted as compensation to the petitioner. Another point raised by the learned counsel for the petitioner is that the market value fixed by the court below for the property at ₹10,000/- per cent, is on the higher side. In other connected cases also, this Court had occasions to deal with the said question. In all those cases, it has been found that the said market value fixed by the court below at ₹10,000/- per cent is not on the

higher side. The property is situated near Vazhakkala, which is a fast growing locality in Kochi city. Considering the said aspect, this Court is of the view that there is absolutely nothing to interfere with the land value fixed by the court below.

5. From all the above, it has come out that there is no illegality or irregularity, or impropriety in the impugned order passed by the court below. This C.R.P. is devoid of merits, and is only to be dismissed, and I am doing so.

In the result, this C.R.P. is dismissed.

Sd/-
B.KEMAL PASHA
JUDGE