

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

CRP.No. 72 of 2009

OP(ELE) NO. 35/2001 OF DISTRICT COURT, KASARAGOD, DATED 27-07-2006

REVISION PETITIONER(S)/RESPONDENT:

KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS CHAIRMAN,
VYDYUTHI BHAVNAM, PATTOM,
THIRUVANANTHAPURAM.

BY ADV.SRI.PULIKOOL ABUBACKER, SC, KSEB

RESPONDENT(S)/PETITIONERS:

- * 1. K.PARU, W/O.V.KUNHAMBU,
68 YEARS, VANNARATH VEEDU, AYYAMPARA
P.O. PERIYA. (DIED) LRS RECORDED.
- 2. K.GOVINDAN, S/O. KUNHAMBU,
AGED 43 YEARS, VANNARATH VEEDU, AYYAMPARA
P.O. PERIYA.
- 3. K.YESODHA, D/O. KUNHAMBU,
AGED 38 YEARS, VANNARATH VEEDU, AYYAMPARA
P.O. PERIYA.
- 4. K.DAMODHARAN, S/O. V. KUNHAMBU,
AGED 36 YEARS, VANNARATH VEEDU, AYYAMPARA P.O. PERIYA.
- 5. K.CHANDRAN, S/O. V. KUNHAMBU,
AGED 35 YEARS, VANNARATH VEEDU, AYYAMPARA
P.O. PERIYA.
- 6. K.SHYAMALA, W/O. MADHAVAN,
AGED 33 YEARS, VANNARTH VEEDU, AYYAMPARA
P.O PERIYA.
- 7. K.GANGADHARAN, S/O. V. KUNHAMBU,
AGED 31 YEARS, VANNARTH VEEDU, AYYAMPARA P.O. PERIYA.

PJ

.....2/-

CRP No. 72 of 2009

- 8. K. RUKHMINI, W/O KRISHNAN (LATE)
AGED 43 YEARS, VANNARATH VEEDU, AYYAMPARA P.O. PERIYA.**
- 9. SURESH KUMAR, S/O. KRISHNAN (LATE),
MINOR REPRESENTED BY THROUGH MOTHER, K. RUKHMINI
VANNARATH VEEDU, AYYAMPARA , P.O. PERIYA.**

**R2 TO R9 ARE RECORDED ON THE LEGA HEIRS OF THE DECEASED R1 AS
PER ORDER DTD.15/6/15 VIDE MEMO BEARING CF.NO.835/14.**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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C.R.P.No.72 of 2009

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Dated this the 6th day of July, 2015

ORDER

The Kerala State Electricity Board has come up by challenging that portion of the common order dated 27.07.2006, whereby an additional compensation of ₹39,371/- with interest at the rate of 6 % per annum has been granted to the petitioner in O.P. No.35 of 2001 of the court below.

2. Relying on ***Kumba Amma v. K.S.E.B. [2000 (1) KLT 542***, the court below has rightly found that the petitioner is entitled to get the compensation in respect of the trees cut and removed assessed with 5% return. There cannot be a challenge with regard to that. Further, it seems that the court below has found that the land affected in this case on account of the overhead powerline is 36.97 cents. The line

drawn is a 220 KV line. Even in such case, the court below has granted only 20% of the land value as diminution in land value. Even though the Commissioner has assessed the value of the property as at ₹8,000/- per cent, the court below has chosen to take the land value at ₹2,000/- per cent. Considering all the above, this Court is of the view that there is absolutely nothing to interfere with the impugned order passed by the court below. This C.R.P. is devoid of merits, and it is only to be dismissed.

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

Sd/-

B.KEMAL PASHA
JUDGE