

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

CRP.No. 342 of 2012

**AGAINST THE ORDER IN O.P(ELECTRICITY)NO. 6/1999 OF ADDITIONAL DISTRICT
JUDGE, PARAVUR**

REVISION PETITIONER(S)/RESPONDENT :

**THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVANAM,
PATTOM.P.O., THIRUVANANTHAPRAM-695 004.**

BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB

RESPONDENT(S)/PETITIONER :

**T.V.VINU SAGAR,
S/O. VIJAYAN, THOPPIL HOUSE, CHELAMTTAM VILLAGE,
OKKAL KARA, ERNAKULAM DISTRICT, PIN-683 550.**

**BY ADVS. SRI.LIJU. M.P
SRI.G.PADMARAJ**

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

P.BHAVADASAN, J.

Civil Revision Petition No.342 OF 2012

Dated this the 7th day of January, 2015.

O R D E R

Aggrieved by the order dated 16.12.2011 in O.P (Electricity) No.6/1999, the respondent before the court below has come up with this revision.

2. It is not a fact in dispute that for the purpose of drawing 110 KV electric line, trees standing in the property of the respondent herein were cut and removed. The Kerala State Electricity Board (KSEB), granted compensation of Rs.5,273/- for the trees cut and removed and as usual did not grant any amount for the diminution of land value. Aggrieved by the same, the respondent herein approached the court below for enhanced compensation.

3. Before the court below, a commission was taken out and the Commissioner has filed Exts.C1 and C2, report and plan. On the side of the respondent herein, PWs 1 and 2 were examined and Exts.A1 and A2 were marked. Exts.B1 and B2 were marked

on the side of the petitioner herein. The court below found that the net yield of one coconut tree shall be taken as 48 and the cost of one coconut shall be taken as Rs.5/-. The diminution of land value was also granted after assessing the diminution as 35% taking the value of land as Rs.45,833/- and also finding that 23.391 cents is the affected area as per the Commissioner's report.

4. In this revision petition, the main contention taken is that the yield taken for the coconut trees as 48 is extremely on the higher side and that is not warranted by the facts of the case. It is also pointed out that amount awarded by the court below in respect of diminution of land value is also on the higher side.

5. Both the above contentions are without any basis. It is seen that the Commissioner has filed his report and plan to which no objection was filed by the petitioner. There is nothing to show that the Commissioner's report is in anyway wrong. The court below has considered the evidence in considerable detail and in fact the amount of compensation granted for the coconut trees was only Rs.21,120/- and the amount paid by the KSEB has been

deducted from that amount. As far as the diminution of land value is concerned, the court below has given cogent and convincing reason as to how it had arrived at that figure.

6. After hearing the counsel on both sides, this Court finds no illegality, irregularity or impropriety in the order passed by the court below.

This petition is without merits and it is accordingly dismissed.

Sd/-

**P.BHAVADASAN
JUDGE**

smp

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P.A. to Judge.