

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

CRP.No.446 of 2012 ()

AGAINST THE ORDER IN ELE. (OP) NO.105/2004 OF ADDL.SESSIONS COURT
(ADHOC)-II, ERNAKULAM DATED 13-04-2012

REVISION PETITIONER(S)/PETITIONER IN ELE.(OP) NO.105/04 IN
ADDL.SESSIONS JUDGE (ADHOC-II), ERNAKULAM:

N.S.GOPALAN, AGED 77 YEARS
S/O.LATE SRI.SUBBARAYAN EMBRANDIRI
RESIDING AT NAMBUVEETIL MADOM, MADAVANA, PANANGAD
KUMBALAM VILLAGE, ERNAKULAM.

BY ADV. SRI.T.K.RADHAKRISHNAN

RESPONDENT(S)/RESPONDENT IN ELE.(OP) NO.105/04 IN
ADDL.SESSIONS JUDGE (AD-HOC-II), ERNAKULAM:

KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VYDYUDHI BHAVAN
K.S.E.BOARD, THIRUVANANTHAPURAM-695001.

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

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON
29-01-2015, ALONG WITH C.R.P.NO.447/2014, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

C.R.P.Nos.446 & 447 of 2012

Dated this the 29th day of January, 2015

ORDER

These revisions arises out of Electricity (O.P).Nos.105 of 2004 and 106 of 2004 respectively on the file of the court of the Additional Sessions Judge (Adhoc-II), Ernakulam. The court below disposed of Electricity (O.P.) Nos.105 of 2004, 106 of 2004, 109 of 2004 and 112 of 2004 by a common judgment. The properties involved in the cases are adjacent lands. As against the order in Electricity (O.P.) No.109 of 2004, the claimant therein filed C.R.P.No.428 of 2012, which was dismissed by a learned Single Judge as per the order dated 6th September, 2013. The learned Single Judge held that the land value was correctly fixed and that there is no reason to

interfere with that finding. In Electricity(O.P.) No.109 of 2004, diminution of land value was granted at 45% whereas in the cases from which these two revisions arose, diminution of land value was fixed at 40% and 35% of the land value. The learned counsel appearing for the Electricity Board submitted that in Electricity (O.P.) No.109 of 2004, diminution of land value was made at 45% because of the proximity of the residential house to the electricity tower and the line. The land involved in Electricity (O.P.) No.106 of 2014 is affected to a lesser extent by the drawal of the line and therefore, diminution of land value was fixed at 35% of the land value. Therefore, there was reason for fixing diminution of land value only at 40% and 35% in the present cases.

In view of the dismissal of C.R.P.No.428 of 2012, I do

not think that any interference is called for in these revisions.

The revisions are accordingly dismissed.

K.T.SANKARAN
JUDGE

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