

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

CRP.No. 532 of 2008 ()

AGAINST THE ORDER/JUDGMENT IN OP(ELE) 110/2003 of ADDL.DISTRICT
COURT,ALAPPUZHA. DATED 23-11-2007
REVISION PETITIONER(S):RESPONDENT

KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY
KERALA STATE ELECTRICITY BOARD, THIRUVANANTHAPURAM.

BY ADVS. SRI.PULIKOOL ABUBACKER, SC, KSEB

RESPONDENT(S):RESPONDENT

1. K.VISWANATHAN, S/O KESAVAN,
HARITHA BHAVAN, PUNNAPRA.

2. HARILAL (MINOR),
REPRESENTED BY HIS FATHER, K.VISWANATHAN, S/O KESAVAN
HARITHA BHAVAN, PUNNAPRA.

3. HARITHA (MINOR) REPRESENTED BY HER
FATHER, K. VISWANATHAN, S/O KESAVAN
HARITHA BHAVN, PUNNAPRA.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19-
10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.N. Ravindran, J.

C.R.P.No.532 of 2008

Dated this the 19th October, 2015

ORDER

The Kerala State Electricity Board has filed this revision petition under Section 115 of the Code of Civil Procedure challenging the order passed by the Court of the Addl. District Judge of Alappuzha in O.P. (Ele.) No.110 of 2003. The brief facts of the case are as follows:

2. The respondents herein are the owners of 1.10 acres of land situate in Sy. No.380/21 of Punnapra village of Ambalappuzha Taluk, Alappuzha district. For the purpose of drawing a 110 KV line through the property, 13 yielding coconut palms and 7 arecanut palms standing in the said property were cut and removed. The Electricity Board awarded to the respondents herein the sum of Rs.30,903/- as compensation for the trees cut. Seeking enhanced compensation as also compensation for diminution in land value, they moved the District Court by filing O.P.(Ele.) No.110 of 2003.

3. Before the District Court, the first petitioner therein was examined as PW1 and Ext.A1 sale deed dated 29.10.1998 whereby 10

cents of land was sold for a total sale consideration of Rs.2,81,875 was produced. On application filed by the land owners, an Advocate Commissioner was appointed and the report submitted by her was marked as Ext.C1. On the side of the Electricity Board, no oral or documentary evidence was adduced. The District Court considered the rival contentions and held that the land owners are not entitled to any enhanced compensation for the trees cut. The District Court, however, awarded to the petitioners therein the sum of Rs.60,000/- as compensation towards diminution in land value. The Electricity Board was directed to deposit the said amount together with interest at the rate of 6% per annum from the date on which the trees were cut, till realisation. The District Court also directed that upon such deposit being made, the amount shall be distributed among the petitioners before it in the ratio of 50 : 25 : 25. The share of compensation payable to the third petitioner before the District Court who was a minor as on the date of judgment, was ordered to be deposited in a nationalised bank in her name till she attains the age of majority. The Electricity Board has, aggrieved thereby, filed this civil revision petition.

4. The fact that the land through which the 110 KV line has been drawn, has an extent of 110 cents is not in dispute. It has come out in evidence that the line has been drawn through the middle of the property. It resulted in 13 coconut palms and 7 arecanut palms being cut and removed. It has also come out in evidence that the area injuriously affected by the drawal of the line has an extent of 20 cents. The line was drawn in the year 1993. The court below has by the impugned order, awarded compensation taking the land value at Rs.10,000/- per cent, corresponding to Rs.24,700/- per are. Having regard to the fact that the 110 KV line has been drawn through the middle of a parcel of land having 110 cents in extent and thereby the landowners have been denied the right to put 20 cents out of the said parcel of land to any profitable use other than for cultivation of seasonal crops, I am of opinion that by no stretch of imagination can it be said that the compensation awarded for diminution in land value is exorbitant or excessive.

The civil revision petition fails and is accordingly dismissed, with a direction to the petitioner to satisfy the order passed by the

District Court if, till date, it has not been satisfied, by depositing the amount of compensation together with interest within a period of three months from today. Upon such deposit being made, the amount deposited shall be released in the ratio of 50 : 25 : 25 to the petitioners before the District Court. If the third petitioner before the District Court has not yet attained majority, her share of compensation shall be kept in fixed deposit in a nationalised bank till she attains the age of majority. If she has already attained the age of majority, her share of amount shall be released to her on deposit.

(P.N. Ravindran, Judge.)

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