

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

C.R.P. No. 724 of 2014 (B)

**O.P.(ELE.)No. 31/2009 OF THE ADDITIONAL DISTRICT COURT - I,
KALPETTA, WAYANAD DATED 17-07-2014**

REVISION PETITIONERS/RESPONDENTS :

- 1. CHAIRMAN,
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM,
PATTOM P.O.,
THIRUVANANTHAPURAM - 695 004.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
T.C. SUB DIVISION,
KANIYAMBETTA, VYTHIRI TALUK,
WAYANAD.**

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

RESPONDENT/PETITIONER :

**ABRAHAM,
KUTTIYANIKKAL HOUSE,
PADINHARATHARA AMSOM DESOM,
VYTHIRI TALUK, WAYANAD - 673 576.**

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

P.BHAVADASAN, J.

C.R.P. No. 724 of 2014

Dated this the 06th day of January, 2015

ORDER

This revision is directed against the order dated 17.07.2014 in O.P.(Ele.) No.31/2009 whereby, the court below granted an enhanced amount of ₹ 69,602.70/- towards the trees cut and removed by the Board for drawing of a line through the property and also towards diminution of land value.

2. The learned counsel appearing for the petitioners assailed the findings on two grounds. The learned counsel pointed out that the multiplier adopted is more than 8 as specified by the Apex Court and that vitiates the order. The other contention is that the interest granted is 12% which is far too high than it is permitted.

3. It could not be said that the contentions are not without foundation. But one fact will have to be noticed. The enhancement granted is rather a meager amount and

does not prima facie show that there has been any exorbitant grant of interest by the court below. True, the multiplier that could have been adopted is only maximum of 8 even though in two of the cases multiplier has been adopted as more than 8. However, when one would look at the total amount of enhanced compensation granted, it reflects a just and reasonable compensation and if that be so, merely because of the grounds urged by the learned counsel for the petitioner, though it may prima facie appear appealing, does not call for interference.

4. The interest of 12% granted is rightly on the high side. But as already stated, on an overall consideration of the materials, it is felt that a reasonable and proper compensation has been granted which does not prima facie indicate that there is any illegality, impropriety or irregularity in the order.

This petition is without merits and it is accordingly dismissed.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge