

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WA.No. 997 of 2015 () IN WP(C).5459/2011

AGAINST THE ORDER/JUDGMENT IN WP(C) 5459/2011 of HIGH COURT OF KERALA
DATED 16.07.2014

APPELLANT/PETITIONER:

KOLARA CHANDRIKA
W/O.GANGADHARAN, VIYYUR AMSOM, KOLLAM DESOM
PO KOLLAM, QUILANDY TALUK, KOZHIKODE.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENT/RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VAIDYUTHI BHAVANAM
THIRUVANANTHAPURAM-695 001.

2. THE CHIEF ENGINEER
TRANSMISSION CIRCLE (NORTH), KSE BOARD
VAIDHYUTHI BHAVANAM, KOZHIKODE-673 001.

3. ASSISTANT EXECUTIVE ENGINEER
WORLD BANK PROJECT SUB DIVISION, KSE BOARD
KANNUR-670 001.

R1-R3 BY ADV. SRI.K.M.SATHYANATHA MENON, SC, KSEB

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON

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BABU MATHEW P. JOSEPH, JJ.

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W.A. No. 997 of 2015

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Dated, this the 19th day of August, 2015

JUDGMENT

Babu Mathew P. Joseph, J

The Kerala State Electricity Board (for short, the KSEB) has drawn a 220 KV line through the property belonging to the appellant. A total amount of Rs.8,503/- has been fixed by the KSEB as compensation. Dissatisfied with the compensation so awarded, the appellant has preferred O.P. No.474 of 1991 before the District Court, Kozhikkode. After considering the matter in detail, the District Court, Kozhikkode, found that the appellant was entitled to Rs. 17,006/- towards value of improvements, Rs.9,000/- towards diminution in land value and its utility and Rs.3,000/- for the value of the land covered by the tower. Thus, the total amount arrived at by the District Court was Rs.29,006/-. After deducting Rs.8,503/- already awarded by the KSEB and received by the appellant, Rs.20,503/- was

found to be entitled by the petitioner. Dissatisfied with the order so passed by the District Court, the appellant has preferred a revision petition, C.R.P. No. 783 of 1998, before this Court. That revision was settled on agreeing the KSEB to pay an additional amount of Rs.12,000/- to the appellant. A statement has been made in the Award passed by this Court on the basis of the settlement arrived at by the parties that the compensation of Rs.3,000/- awarded for the tower area by the District Court was deducted from the total compensation since separate claim was pending for the tower area. In fact, no such separate claim was preferred in respect of the compensation payable for the tower area even though such a statement was made in the Award.

2. Learned counsel for the appellant submits that on the basis of that Award passed by this Court, out of Rs.12,000/- agreed in the settlement, Rs.3,000/- mentioned therein was deducted. But, after fully hearing the matter, we are really convinced that it was only an illusion. The learned counsel for the appellant filed a statement on behalf of

the appellant, in which certain matters have been specifically admitted. (1) The appellant has initially received Rs.20,503/- on 08.06.2006 consequent to the order in O.P. No.474 of 1991 passed by the District Court, Kozhikkode. (2) She was also paid Rs.11,925/- as interest on the amount of Rs.20,503/- thereafter. (3) Subsequently, she was paid an amount of Rs.12,000/- pursuant to the judgment in C.R.P. No. 783 of 1998. (4) It is also stated that the appellant has received balance interest payable for the delayed payment of Rs.20,503/- as ordered in O.P.No. 474 of 1991 by the District Court, Kozhikkode. (5) It is further stated in the statement that, on a rough estimate, the appellant has received not less than Rs.70,000/- from the KSEB. The undisputed fact that Rs.8,503/- originally awarded by the KSEB was also received by the appellant has to be taken note of along with these facts. In the light of the facts already adverted to in this judgment as well as the facts stated in the statement filed by the appellant, it goes without saying that Rs.3,000/- stated as deducted in the Award passed by this Court on the basis of

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settlement in C.R.P. No. 783 of 1998 also has been received by the appellant. Thus the appellant has received the entire amount due to her. Therefore, the Writ Appeal is devoid of any merit and hence it is dismissed.

sd/-

**P. R. RAMACHANDRA MENON,
JUDGE**

sd/-

**BABU MATHEW P. JOSEPH,
JUDGE**

kmd

/True copy/

P.A. to Judge