

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 11065 of 2015 (G)

PETITIONER:

**P.N.CHANDRASEKHARAN NAIR, AGED 75 YEARS
S/O. NARAYANAN NAIR, KOODATHINAL HOUSE, NELLIKAVU ROAD
KOLANI, MANACAUD, THODUPUZHA**

**BY ADVS.SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR
COLLECTORATE, IDUKKI-685 602**
- 2. THE KERALA STATE ELECTRICITY BOARD,
REP. BY THE SECRETARY, VAIDUTHY BHAVAN
THIRUVANANTHAPURAM 695001**
- 3. EXECUTIVE ENGINEER
KERALA STATE ELECTRICAL BOARD TRANSMISSION DIVISION
VYDYUTHI BHAVAN, THODUPUZHA 685 584**
- 4. THE TAHASILDAR, TALUK OFFICE
THODUPUZHA 685 584**
- 5. THE VILLAGE OFFICER,
VILLAGE OFFICE, THODUPUZHA – 685 584**

**R1, R4 & R5 BY GOVERNMENT PLEADER SRI. GIKKU JACOB
R2 & R3 BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 11065 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: THE PHOTOCOPY OF THE AWARD DATED 18.6.2005

EXT.P2: THE PHOTOCOPY OF THE NOTICE DATED 16.3.2011

EXT.P3: THE PHOTOCOPY OF THE ORDER DATED 19.3.2012

EXT.P4: THE PHOTOCOPY OF THE JUDGMENT DATED 23.6.2014

EXT.P5: THE PHOTOCOPY OF THE COMMUNICATION DATED 13.8.2012

EXT.P6:THE PHOTOCOPY OF THE COMMUNICATION DATED 28.11.2012

EXT.P7:THE PHOTOCOPY OF THE COMMUNICATION DATED 29.11.2013

EXT.P8:THE PHOTOCOPY OF THE COMMUNICATION DATED 20.12.2013

EXT.P9:THE PHOTOCOPY OF THE COMMUNICATION DATED 24.12.2014

EXT.P10:THE PHOTOCOPY OF THE COMMUNICATION DATED 24.5.2014

EXT.P11:THE PHOTOCOPY OF THE COMMUNICATION DATED 17.9.2014

EXT.P12:THE PHOTOCOPY OF THE COMMUNICATION DATED 24.10.2014

EXT.P13:THE PHOTOCOPY OF THE COMMUNICATION DATED 24.11.2014

EXT.P14:THE PHOTOCOPY OF THE COMMUNICATION DATED 07.1.2015

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 11065 OF 2015

Dated this the 18th day of June, 2015

JUDGMENT

Ext. P3 order passed in terms of Section 17 of the Indian Telegraph Act, 1885 concludes as follows:-

- “1. K.S.E.Board will provide one third on the fair value of the land surface area occupied by the tower footing as compensation as desired in Lr. No. DB-66/2011-12/756 dated 20.09.2011 of Executive Engineer, Transmission division, Thodupuzha.
2. Adequate compensation for crop damage and tree cutting if any will be provided.
3. Consent will be given to the owner of the land to utilise the balance portion of his land for other purpose including construction of a House.”

2. The second respondent is therefore bound to provide 1/3rd of the fair value of the land surface area occupied by the tower footing as compensation tentatively. The fourth respondent Tahsildar has by Ext. P13 letter suggested fixation of fair value at the rate of Rs. 5 Lakhs per Are. It is only proper that the first respondent fixes the fair value on the basis of the relevant inputs within the shortest possible time.

3. The second respondent on fixation of the fair value by the first respondent shall disburse the compensation amount to the petitioner. This shall be done in terms of Section 10(d) of the Indian Telegraph Act, 1885. The petitioner is also free to question the sufficiency of compensation under Section 16(3) of the Indian Telegraph Act, 1885.

The writ petition is disposed of with the following directions:-

i) The first respondent shall fix the fair value of the land surface area occupied by the tower footing in question within a period of one month from the date of receipt of this judgment

ii) The second respondent shall in accordance with the above disburse the compensation amount to the petitioner in terms of Section 10(d) of the Indian Telegraph Act, 1885 within two months therefrom.

iii) The sufficiency of the compensation to be paid to the petitioner inclusive of interest is left open to be decided under Section 16(3) of the Indian Telegraph Act, 1885.

**V. CHITAMBARESH
JUDGE**

DCS