

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Dated : 02.01.2018
CORAM**

THE HONOURABLE MR. JUSTICE M.V. MURALIDARAN

**CRP(NPD)No.3494 to 3499 of 2007
and
C.M.P.Nos.3217 to 3222 of 2007**

CRP(NPD)No.3494 of 2007

Deputy Manager,
Powergrid Corporation of
India Limited 400KV Switching Station,
K.R.Thoppur,
Salem – 626 502.

.. Petitioner

-Vs-

1.Naina Gounder

2.The Tahsildar,
Salem Taluk Office,
Salem.

.. Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the Orders of the Court of the I Additional District Judge, Salem, dated 27.02.2004 in O.P.No.106 of 1990.

(In all the CRPs)

For Petitioners : Mr.R.Ravi

For Respondents : M/s.Mythili Suresh (for R1)
for M/s.Sarvabhauman Associates
(In CRP.Nos.3494, 3496 & 3499/2007)

M/s.M.Jaisree (for R2) (In all the CRPs)
Government Advocate

ORDER

All these Civil Revision Petitions are arising out of a common order dated 27.02.2004 passed in Original Petition No.106 to 111 of 1990. The above said order is challenged by the petitioners.

2.The short facts necessary for the disposal of all these Civil Revision Petitions is as follows that the respondents herein in the respective C.R.P. own some stretch of agriculture lands in various survey numbers in Ammapalayam Revenue Village of Salem Taluk. In the said circumstance the revision petitioner Power Grid Corporation in the year 1990 while installing a 40 KV electric transmission power line from Neyveli-Salem Circuit, cut down the trees standing in the lands of the respondents as the above transmission line passed through their fields.

3.According to the respondents there were varieties of Fruit yielding trees standing in their fields and the revision petitioners while

effectuating the above transmission line had caused serious damages to them by cutting fruit bearing trees and non-fruit bearing trees namely Coconut trees, Elandhai trees, Unjai trees, Neem trees, Nelli maram, Murungai maram, Vadanarayanan tree, Mango tree etc. Out of same the respondents suffered heavy loss, due to loss of regular income yielded from the said trees.

4. According to the revision petitioner the respondents were paid with adequate compensation by the corporation for the loss incurred by the respondents. Whereas, dissatisfied with the quantum of compensation paid, the respondents filed Original Petitions before the 1st Additional District Judge, Salem under Section 16(3) of Indian Telegraph Act, 1885 and Section 18 & 19 of Indian Electricity Act for enhancement.

5. It is the contention of the revision petitioners that though compensation paid by the revision petitioner Corporation was adequate and in line with correct value, the learned Judge on misconception and erroneous calculation allowed the petitions filed by the respondents by enhancing and re-fixing the face value of the individual trees and their corresponding tenure of yield at a higher rate. The calculation followed

by the Learned Judge in so far as the age and the yielding tenure of the trees cut down by the petitioner Corporation is erroneous and baseless. Aggrieved over the enhancement, the petitioner Corporation is before this Court by filing these Civil Revision Petitions.

6.I heard Mr.R.Ravi, learned counsel for the petitioners, Mrs.Mythili Suresh for M/s.Sarvabhauman Associates, learned counsel for the 1st respondent in CRP.Nos.3494, 3496 and 3499 of 2007 and M/s.M.Jaisree, learned Government Advocate for the 2nd respondent in all the C.R.P.s. and perused the entire records.

7.The Learned Counsel for the petitioners would submit that the assessment made by the Court below regarding the age, yield and income of trees cut down are without any basis, records and evidence. The compensation amount fixed by the revenue authorities was just and reasonable. The multiplier followed by the Court below is erroneous. Therefore they seek for restoration of the order of assessment made by the Revenue authority, by setting aside the impugned orders.

8.Per contra, the Learned Counsel for the respective respondent

would contend that only on proper appreciation of the oral and documentary evidence on either side, the Court below has rightly allowed their petition by enhancing the compensation. The calculation arrived by the Learned Judge is just and appropriate. In fact the respondents underwent heavy damages and they were deprived of enjoying their property as per their own wish and further they also suffered diminution in the value of land on account of drawing a puff over head power line across their lands. The contention of the Revision petitioner is liable to be rejected at outset for the reason that they suffered huge loss due to deprivation from enjoying the fruit bearing trees being their only source of livelihood. In addition to such deprivation of enjoying the trees already stood there, their right and privilege to cultivate/grow any other tall tree in their lands are also prevented. Therefore contending the quantum arrived by the Learned Judge as appropriate, just and reasonable, they prayed for the dismissal of the petition. सत्यमेव जयते

9. At this juncture though so many contentions were raised by the Learned Counsel for the respondent and the revision petitioner, this Court deems fit to confine to find out as to whether the compensation enhanced/fixed at a higher rate than that of the

assessment made by the Revenue Authorities is appropriate and reasonable.

10. For better appreciation of the calculation adopted by the trial Court the same is tabulated here under along with their respective Original Petition Numbers as stood on the file of the Learned District Judge, Salem as follows:

OP.No.	Name of Trees	No. of Trees	Annual income fixed	Age	Amount of compensation fixed
			Rs.		Rs.
106	Coconut	8	300	15	36,000
	Elandhai	1	20	10	200
	Vadhanarayana	5	25 (Green Manure value)	10	1,250
					37,450
107	Coconut	7	300	15	31,500
	Nelli	1	50	12	600
	Murungai	1	50	5	250
					32,350
108	Coconut	20	300	15	90,000

	Plants	8	150		1,200

					91,200

109	Coconut	10	300	15	45,000
	Mango	1	200	15	3,000

					48,000

110	Palm	1	50	12	600
	Tamarind	1	150	15	2,250
	Neem	1	25(Green		
			Manure value)	15	375

					3,225

11.The above tabulation demonstrate that in so far as the Vadhanarayana tree is concerned, the annual green manure value is fixed as Rs.25/-. In so far as Neem tree is concerned the amount of compensation is enhanced and fixed as Rs.25/- per annum, by taking account of the fact that the fruits collected from Neem Tree would yield income in way of extraction of oil.

12.As far as the Coconut trees are concerned, the value per tree

is estimated as Rs.100/- by the revenue authorities and the same since appeared to be lower side, its value is reasonably fixed at Rs.150/- per plant. With regard to the yielding capacity period of the various trees as far as the Coconut tree is concerned, the yielding capacity period is found to be fixed as 15 years by the revenue authorities. It seems to be a correct one.

13. In so far as the Elandhai tree is concerned, the yielding capacity period is fixed as 5 years by the revenue authorities and the same is enhanced to 10 years. Furthermore the yielding capacity period of Nelli tree is fixed as 5 years by the petitioner. It seems to be in a lower side and hence it was fixed as 12 years by the Learned Judge. While calculating the yielding capacity period of Murungaiah tree arrived as 5 years and for palm tree arrived as 12 years and for Tamarind tree as 15 years by the revenue authorities, which were felt to be reasonable by the Learned Judge remained undisturbed. The yielding capacity period of a Neem tree is fixed as 15 years.

14. In careful repeated perusal of the calculation arrived by the Learned Judge, this Court is unable to opined that they are exorbitant as contended by the petitioner corporation. In any angle age, yield and

income of trees stated supra is found appropriate in view of this Court.

15. Therefore holding the above calculations made by the Learned Judge as reasonable, rational, just and appropriate, this Court deems fit to reject the contention and the prayer of the revision petitioner.

16. In the result, all these Civil Revision Petitions fail and hence, they are hereby dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

02.01.2018

vs

Index: Yes
Speaking order

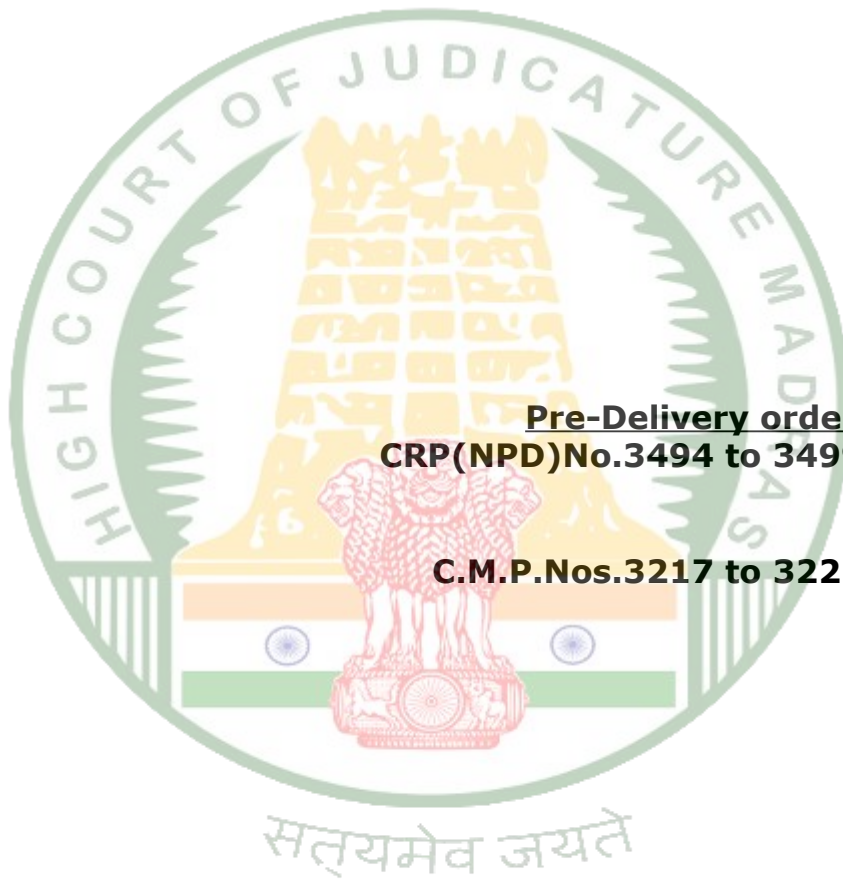
To

The I Additional District Judge,
Salem.

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M.V.MURALIDARAN, J.

VS



Pre-Delivery order made in
CRP(NPD)No.3494 to 3499 of 2007

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