IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 23RD DAY OF MAY 2024 / 2ND JYAISHTA, 1946

CRP NO. 138 OF 2019

AGAINST THE ORDER/JUDGMENT DATED 25.10.2018 IN OPELE NO.134 OF 2014 OF ADDITIONAL DISTRICT COURT, NORTH PARAVUR

REVISION PETITIONER/S:

MANIYAN,
AGED 60 YEARS
S/O. AZHAKAN, MADATHIKUDIYIL HOUSE, KUNNATHUNADU KARA, PATTIMATTOM VILLAGE, KUNNATHUNADU TALUK.
BY ADV P.C.HARIDAS

RESPONDENT/S:

1 **POWER GRID CORPORATION INDIA LTD.,**
CONSTRUCTION AREA OFFICE, MAVELIPURAM COLONY, KAKKANAD, COCHIN-682 030.

2 **SPECIAL TAHSILDAR (LA),**
POWER GRID CORPORATION INDIA LTD, CHEVARAMBALAM, KOZHIKKODE-17.
BY ADV SRI.MILLU DANDAPANI

OTHER PRESENT:

SR.GP.K.P.HARISH; SR.GP.V.TEKCHAND

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14.03.2024, ALONG WITH CRP.114/2020, THE COURT ON 23.05.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 23RD DAY OF MAY 2024 / 2ND JYAISHTA, 1946

CRP NO. 114 OF 2020

AGAINST THE ORDER/JUDGMENT DATED 25.10.2018 IN OPELE NO.134 OF 2014 OF ADDITIONAL DISTRICT COURT, NORTH PARAVUR

REVISION PETITIONER/S:

THE POWER GRID CORPORATION OF INDIA LTD
CONSTRUCTION AREA OFFICE, MAVELIPURAM COLONY,
KAKKANAD, COCHIN-682 030
BY ADV ROJO J.THURUTHIPARA

RESPONDENT/S:

1 **MANIYAN**
AGED 61 YEARS
S/O. AZHAKAN, MADATHIKKUDIYIL HOUSE, KUMMANODU KARA, PATTIMATTOM VILLAGE, KUNNATHUNAD TALUK

2 **SPECIAL THASILDAR (LA)**
POWER GRID CORPORATION OF INDIA LTD
CHEVARAMBALAM, KOZHIKODE-17
BY ADVS.
SRI.P.C.HARIDAS
SHRI.SURESH V.S.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14.03.2024, ALONG WITH CRP.138/2019, THE COURT ON 23.05.2024 DELIVERED THE FOLLOWING:

ORDER

Dated this the 23rd day of May, 2024

These revision petitions are filed challenging the order passed by the Additional District Judge-II, North Paravur in O.P. (Electricity) No.134 of 2014. The original petition was filed by the revision petitioner in CRP No.138 of 2019 (hereinafter called 'the claimant'), being dissatisfied with the compensation awarded towards the damage and loss sustained due to the drawing of 400 KV lines across his property by the Power Grid Corporation of India Ltd (hereinafter called 'the Corporation'). The essential facts are as under;

According to the claimant, he is in ownership and possession of landed property having an extent of 25 Ares comprised in Re-Sy.Nos.437/17 & 445/13 in Block No.27 of Pattimattom Village in Kunnathunadu Taluk. The land was cultivated with

various yielding and non-yielding trees. In order to facilitate drawing of lines for the smooth transmission of power, large number of trees were cut from the claimant's property. The drawing of high tension lines rendered the land underneath and adjacent to the lines useless, resulting in diminution of the value of the property. In spite of the huge loss suffered by the claimant, only meagre amount was paid towards value of the trees cut and no amount was paid to compensate the diminution of land value. Hence, the original petition was filed, seeking enhanced compensation towards the value of trees cut and diminution of land value.

2. Heard Adv.P.C.Haridas for the claimant and Adv.Millu Dandapani for the Corporation.

3. A perusal of the impugned order shows that the court below has assessed the loss sustained due to cutting of yielding coconut palms by assessing the average number of nuts per

year and multiplying it with the value of one coconut after deducting the expenses. Likewise, the loss sustained due to cutting of areca palm was assessed by reckoning the total yield from each palm, the weight of nuts after drying and the price of dried nuts. Based on such assessment, the net income was fixed after deducting the expenses. Similar method was adopted for calculating the loss sustained due to the cutting of other yielding trees like nutmug, coco palm, Malabar tamarind, mango, jack trees and pepper vines. It was also found that there were 8 clusters of bamboo in the petition schedule property, for which the Corporation had already paid compensation. The court below enhanced the compensation under that head, based on the reasoning that over a period of eight years, another similar cluster would have been ripened for cutting. For reckoning, the compensation amount payable, 8 was taken as the

multiplier. Being so, this Court finds the procedure adopted by the court below to be just and proper.

4. A perusal of the impugned order shows that, for the purpose of fixing the compensation towards diminution in land value, the court below relied on Exts.A1 to A4 assignment deeds and Ext.A13 commission report. Based on these factors and taking into account the fact that the petition schedule property is having direct Panchayath road access on south, the land value was fixed at Rs.1,90,000/- per cent. The court below awarded 50% of the land value thus fixed compensation, in view of the fact that the affected area admeasuring 6.78 Ares (16.74 cents) is very fertile land fit for cultivation and construction of residence. Accordingly, the claimant was found entitled to compensation of Rs.20,69,500/- with interest at the rate of 6% per annum.

5. The contention of the Corporation that the Government having issued guidelines for fixation of the land value, the court below ought to have fixed the value in accordance with the same is liable to be rejected since the court is not bound by the guidelines/orders issued by the Government while fixing the compensation. The contention that the court below committed an illegality by awarding interest at the rate of 6% per annum being without merit, is also liable to be rejected. As such, I find no reason to interfere with the well considered order of the court below, rendered after taking all relevant factors into consideration.

For the aforementioned reasons, the civil revision petitions filed by the claimant as well as the Corporation are dismissed. The enhanced compensation fixed by the court below shall be paid within three months of receipt of a copy of this order. If any amount is deposited pursuant

to the order of this Court or otherwise, the same shall forthwith be released to the claimant on his filing appropriate application.

Sd/-

V.G.ARUN
JUDGE

Scl/