IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 3RD DAY OF JUNE 2024 / 13TH JYAISHTA, 1946

CRP NO. 725 OF 2018

AGAINST THE ORDER/JUDGMENT DATED IN OPELE NO.68 OF 2012 OF ADDITIONAL SESSIONS COURT, NORTH PARAVUR

REVISION PETITIONER/S:

**POWER GRID CORPORATION OF INDIA
B-9 QUTAB INSTITUTIONAL AREA, KATWARIASARAI, NEW DELHI, REP. BY ITS AUTHORIZED OFFICER, 400 KV SUBSTATION, 400 KV SUB STATION, VELLANIKKARA (P.O), MANNUTHY, THRISSUR DISTRICT.**

RESPONDENT/S:

1. **ROY P.K.,
AGED 56 YEARS
S/O.KURIAKOSE, PALANATTU HOUSE, IRINGOLE KARA, IRINGOLE P.O., PERUMBAVOOR VILLAGE, ERNAKULAM DISTRICT- 683 542.**
2. **THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, MINISTRY OF ENERGY, DEPARTMENT OF POWER, CENTRAL SECRETARIAT, NEW DELHI- 110 001.**
3. **THE SECRETARY TO GOVERNMENT,
ENERGY, DEPARTMENT OF POWER, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695001.**
4. **THE SPECIAL TAHSILDAR (LA),
POWER GRID CORPORATION OF INDIA LTD., CHEVARAMBALAM, KOZHIKODE- 673017.**

**BY ADVS.
ASSISTANT SOLICITOR GENERAL
SRI.V.RAJENDRAN (PERUMBAVOOR)
SHRI.P.VIJAYAKUMAR, ASG OF INDIA
SRI.N.RAJESH**

OTHER PRESENT:

CGC SUVIN R.MENON; SR.PP.V.TEKCHAND

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19.03.2024, THE COURT ON 03.06.2024 DELIVERED THE FOLLOWING:

ORDER

Dated this the 3rd day of June, 2024

The revision petitioner, Power Grid Corporation of India Ltd ('the Corporation' for short), is aggrieved by the enhanced compensation ordered to be paid to the first respondent ('the claimant' for short), consequent upon the drawing of 400 KV electric lines across his property by the Corporation. The essential facts are as under;

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, only meagre amount was paid to the claimant as compensation for the loss sustained. Hence, the

original petition was filed, seeking enhanced compensation towards the value of trees cut and diminution of land value.

2. Heard Adv.Rojo Joseph for the Corporation and Adv.V.Rajendran Perumbavoor for the claimant.

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 immature falling and expenses. Likewise, the loss sustained due to cutting of yielding 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 immature falling and expenses. Similar method was adopted for calculating the loss sustained due to the

cutting of mango trees and pepper vines. For reckoning the compensation amount payable, 8 was taken as the multiplier. Further, the court below fixed the compensation for cutting of various other trees at Rs.10,000/-. 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 Ext.A3 document as well as Exts.C1 and C1(b) commission report and plan. The Advocate Commissioner had reported that the petition schedule property is having proper road access. On consideration of the evidence on record and the potentiality of the property as reported by the Commissioner, the land value was fixed at Rs.1,30,000/- per cent and awarded 50% of the land value thus fixed as compensation for the affected area admeasuring 7.70 Ares (19.02

cents). Accordingly, the claimant was found entitled to compensation of Rs.13,39,400/- with interest at the rate of 8% per annum.

5. On careful scrutiny of the impugned order, it is seen that the compensation due towards diminution in land value was fixed based on factors like situs of the land, the extent to which the land is adversely affected and consequent diminution in the value of the land, as laid down by the Apex Court in ***KSEB v. Livisha [(2007) 6 SCC 792].*** Similarly, the discretion vested with the court was properly exercised by awarding 50% of the land value as compensation for the land affected due to the drawing of electric lines.

6. 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 8% 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 petition is dismissed.

Sd/-

V.G.ARUN
JUDGE

Scl/