

Kerala High Court

Power Grid Corporation Of India ... vs Sudhamani on 27 September, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

CRP.No. 784 of 2008()

1. POWER GRID CORPORATION OF INDIA LTD,
... Petitioner

Vs

1. SUDHAMANI, W/O. SURESH,
... Respondent

For Petitioner : SRI. MILLU DANDAPANI

For Respondent : SRI. G. UNNIKRISHNON

The Hon'ble MR. Justice THOMAS P. JOSEPH

Dated : 27/09/2010

O R D E R

THOMAS P. JOSEPH, J.

C.R.P.No.784 of 2008

Dated this the 27th day of September, 2010.

ORDER

This revision is in challenge of the order passed by learned Additional District Judge, Pathanamthitta in O.P.(Ele.) No.309 of 1998 awarding enhanced compensation of Rs.98,043/-. For the purpose of drawal of 220 KV line improvements were cut down from property of respondent. Petitioner paid Rs.57,331.88 by way of compensation. Not satisfied with that, respondent filed the petition before the learned District Judge.

2. So far as the additional compensation for tree cutting is concerned, it is seen that datas furnished by the petitioner regarding age, nature of improvements, etc. was accepted by the learned District Judge and the only change made is that while petitioner had taken 10% annuity the learned District Judge has adopted 5% annuity based on the decision in Kumba Amma v. K.S.E.B. (2000(1) KLT

542). Accordingly compensation payable for value of improvements was assessed at Rs.86,434.79 and less the sum of Rs.57,331.88 already paid, balance amount came to Rs.29,102.91. It is contended by petitioner that the amount awarded is excessive. I do not find reason to interfere with the enhanced compensation awarded for value of improvements as the only change made by learned District Judge was on the annuity factor based on the decision of this Court.

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3. So far as compensation for diminished land value is concerned, respondent produced Ext.A1, sale deed dated 13.12.1996 to show the land value. In that sale deed land value is stated as Rupees three lakhs for 15 cents. Advocate Commissioner who inspected the property was examined as PW5. Ext.A1, sale deed is dated 13.12.1996 while the tree cutting was some time in the year 1998. Property mentioned in Ext.A1 is about 400 metres away from petition schedule property. It has come in evidence that Ext.A1, property has more local importance than petition schedule property. In that circumstances learned District Judge was not inclined to accept value of property shown in Ext.A1 as value of the petition schedule property. Having regard to the facts and circumstances land value was fixed as Rs.4,000/- per cent.

4. Considering the extent of damage caused to the property on account of drawal of line, 40% of the land value has been taken as basis for fixing compensation for 10.176 cents and for the area apart from clearance area, -18.824 cents, 15% of the land value has been taken as basis for fixing compensation. Accordingly compensation has been awarded for diminished land value. It cannot be disputed that on account of drawal of 220 KV line respondent is not able to cultivate permanent crops and construct building in CRP No.784/2008 the land affected. Having regard to the circumstances stated I do not find reason to think that compensation awarded for diminished land value is excessive. As such the order under challenge does not call for interference.

Resultantly revision fails. It is dismissed.

THOMAS P.JOSEPH, Judge.

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