

The Manager vs Muniyappa

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Court : Karnataka

Decided On : Sep-22-2025

Judge : Ravi V Hosmani

Appeal No. : WP/16556/2024

Appellant : The Manager

Respondent : Muniyappa

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2025 BEFORE THE HON'BLE MR. JUSTICE RAVI V HOSMANI WRIT PETITION NO. 16556 OF 2024 (GM-KEB) C/W WRIT PETITION NO. 20891 OF 2025 (GM-KEB) IN WP No. 16556/2024: BETWEEN:

1. THE MANAGER,

M/S POWER GRID CORPORATION OF INDIA LIMITED, SOUTHERN REGION TRANSMISSION, SYSTEM-2, CONSTRUCTION AREA OFFICE, 1ST FLOOR, HIG 1156, 10TH B CROSS, YELAHANKA NEW

TOWN, BANGALORE - 560 064. REP BY ITS

Digitally signed by 2. THE MANAGER, GEETHAKUMARI

KASABA HOBLI, GAURIBIDANUR - 561 208. & PETITIONERS (BY SRI JOSHUA HUDSON SAMUEL, ADVOCATE) AND:

1. MUNIYAPPA, S/O LATE THIMMAIAH, AGED ABOUT 70 YEARS, R/AT GADENAHALLI VILLAGE, -2- JALA HOBLI, YELAHANKA TALUK, BENGALURU URBAN DISTRICT, BENGALURU - 573 220.

2. THE DEPUTY COMMISSIONER

BENGALURU URBAN DISTRICT, K G ROAD, BENGALURU - 560 001. & RESPONDENTS (BY SRI ANANDA H C., ADVOCATE FOR R1; SMT. VAHEEDA, AGA FOR R2) THIS WRIT PETITION IS FILED UNDER ARTICLES 226

& 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER

DATED 06.11.2023 PASSED BY THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, BANGALORE RURAL DISTRICT, SITTING AT DEVANAHALLI, IN CIVIL MISC. NO.15005/2020, PRODUCED AT ANNEXURE-J AND CONSEQUENTLY DISMISS CIVIL MISC. NO.15005/2020. IN WP NO. 20891/2025 BETWEEN:

1. SRI MUNIYAPPA,

SON OF LATE THIMMAIAH, AGED ABOUT 70 YEARS, R/AT GADENAHALLI VILLAGE, YELAHANKA TALUK, JALA HOBLI, BENGALURU 573220 BENGALURU URBAN DISTRICT, R/P BY HIS G.P.A HOLDER SRI. G.M.MANJUNATH, S/O MUNIYAPPA, AGED ABOUT 45 YEARS, R/AT GADENAHALLI VILLAGE, JALA HOBLI, YELAHANKA TALUK, BANGALORE URBAN DISTRICT BANGALOR - 573 220. ...PETITIONER

(BY SRI ANANDA H C., ADVOCATE) -3- AND:

1. THE MANAGER,

M/s POWER GRID CORPORATION OF INDIA LIMITED, SOUTHERN REGION
TRANSMISSION SYSTEM-2, CONSTRUCTION AREA OFFICE 1ST FLOOR,
HIG 1156, 10TH B CROSS, YELAHANKA NEW TOWN BANGALORE - 560 064.
REP BY ITS

2. THE MANAGER, POWER GRID CORPORATION OF INDIA LIMITED, A.N.O
2110, NEAR BYPASS ROAD, HIREBIDANURU VILLAGE, KASABA HOBLI,
GAURIBIDANUR - 561 208.

3. THE DEPUTY COMMISSIONER,

BANAGALORE URBAN DISTRICT, BANGALORE - 560 009. ...RESPONDENTS
(BY SRI HUDSON SAMUEL, ADVOCATE FOR R1 & R2; SMT. VAHEEDA, AGA
FOR R2) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF

CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE JUDGMENT

IN CIVIL MISC. NO.15005/2020 DATED 06.11.2023 PASSED BY THE VTH
ADDITIONAL DISTRICT AND SESSIONS JUDGE, BANGALORE RURAL
DISTRICT, SITTING AT DEVANAHALLI AND AWARD THE COMPENSATION
AMOUNT OF RS.5,00,00,000/- (FIVE CRORE RUPEES) WITH COST AND
INTEREST AS PER ANNEXURES-A AND B. THESE PETITIONS ARE COMING
ON FOR PRELIMINARY HEARING IN B-GROUP, THIS DAY, ORDER WAS
MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE RAVI V
HOSMANI -4-

ORAL ORDER

Challenging order dated 06.11.2023 passed by V Additional District and Sessions
Judge, Bangalore Rural District, sitting at Devanahalli ('trial Court' for short), in
Civil Misc. no.15005/2020, at Annexure-J, these writ petitions are filed.

2. WP no.20891/2025 is filed by petitioner in Civil

Misc. no.15005/2020 seeking for enhancement of award amount, while WP no.16556/2024 is filed by respondents therein challenging order/award passed by trial Court. For sake of convenience, parties herein would be referred to by their respective ranks before trial Court.

3. Sri Ananda HC, learned counsel for petitioner

submitted that petitioner was owner of 1 Acre 30 guntas of land in Sy.no.22 of Gadenahalli, Jala Hobli, Yelahanka Taluk, which was a garden land, wherein petitioner had dug a borewell and planted 350 guava trees. It was submitted, in year 2020, respondents intended to draw 400 KV Double Circuit Overhead Transmission line over petitioner's land with tower installation utilizing land to an extent of 324.80 sq.mtrs. It was submitted,

-5- a condition imposed restricting petitioner's right to put up construction beyond certain height etc., had led to diminution of value of his land.

4. It was submitted, said transmission line passed

through neighboring villages also. It was submitted, respondent no.3 had taken note of Sub-Registrar Guidance Value ('SRGV' for short) and average value of lands sold in each village during three previous years had suggested market value of lands in each village for purposes of payment of damages/compensation for drawing of transmission lines. Insofar as Gadenahalli, market value suggested was Rs.1,82,00,000/- per acre. But, market value of lands in neighboring villages of Navaratna Agrahara suggested was Rs.3,35,71,440/-; while in case of Tarabanahalli was Rs.6,66,66,680/- per acre, indicating some amount of discrimination.

5. It was submitted, as damages was sought to be

determined by reference to above valuation, petitioner filed application under Section 16 (3) of Indian Telegraph Act, 1885 ('Act' for short) before trial Court. Same was numbered as Civil Misc. no.15005/2020. In said petition, petitioner was

aggrieved -6- not only by consideration of market value of land on lower side but also about inadequate compensation towards damages sustained due to cutting of trees.

6. On appearance, respondents filed objections and opposed petition.

7. Based on pleadings, trial Court framed issues and

recorded evidence, wherein petitioner examined himself as PW.1 and got marked Exhibits P1 to P24. While, respondents examined one witness as RW.1 and got marked Exhibits R1 to R4.

8. On consideration, trial Court allowed petition in part and holding petitioner entitled for compensation by taking market value of land at Rs.2,73,00,000/- instead of Rs.1,82,00,000/- and rejecting claim insofar as guava trees. Aggrieved, this petition was filed.

9. It was submitted, petitioner's land was 2.5 Kms.

from NH-7 and nearer to Kempegowda International Airport. As such, it had huge NA potentiality. Without considering same, award was passed. It was submitted, petitioner's land was -7- adjacent to boundaries of Navaratna Agrahara and Tarabanahalli villages. Compensation paid in respect of lands in Tarabanahalli was fixed at Rs.6,66,66,680/- per acre, whereas, petitioner's land was valued at Rs.2,73,00,000/-, which was on lower side. On said grounds, sought for allowing petition.

10. On other hand, Sri Joshua Hudson Samuel, learned

counsel for respondents opposed writ petition. It was submitted, respondents had paid compensation by accepting market value of land suggested by District Magistrate, who had not only taken note of SRGV, but also average sale price of lands in each village during three previous years. Therefore, market value of lands differed from village to village. It was further submitted, District Magistrate had directed payment of 85% of market value as damages for 324.80 Sq.Mts area falling under Tower i.e. Rs.12,41,631/- and 15% of market

value for 1 Acre 6.25 guntas of Corridor area i.e. Rs.31,56,563/- apart from Rs.12,939/- towards damage to Maize crop, Rs.47,362/- towards Maize (sweet corn), Rs.13,123/- towards Tomato crop and Rs.3,03,622/- towards 93 guava trees. Therefore, petitioner was not entitled for enhancement of compensation. -8-

11. It was further submitted, while passing award, trial Court had arrived at conclusion that there was no scope for

differing with determination of market value by District Magistrate, but nevertheless ordered for addition of 50% to said amount to arrive at Rs.2,73,00,000/- as market value of lands. Same was without any justification and called for interference. It was submitted, compensation determined by trial Court amounted to double compensation and sought for allowing petition.

12. Heard learned counsel and perused writ petitions.

13. From above, point that would arise for consideration is : "Whether compensation determined by trial Court herein suffers from illegality/irregularity and calls for modification?"

14. From above, it is seen, there is no dispute about

petitioner being owner of lands over which Overhead Transmission lines were drawn by respondents and as such petitioner was entitled for damages sustained not only towards diminution of value of land, but also damages sustained by crops and trees. It is also noted that trial Court dismissed claim -9- insofar as value of guava trees and said portion of order has not been challenged.

15. Indeed, contention that petitioner's land is near to

boundaries of Navaratna Agrahara and Tarabanahalli villages, there is no specific pleading/evidence to establish similarities between petitioner's land and lands in said villages, over which transmission lines were drawn. Moreover, petitioner himself contends that lands in said villages were nearer to Airport. Said fact would justify difference in market value. In fact, market value herein is not determined with reference to SRGV, but by average sale price of lands in each village during

three previous years, which is one of legally accepted modes of determination of market value of lands.

16. Documentary evidence led by petitioner was GPA, RTC, Notices, Compensation letter, RTI application, Letter, Maps, Order copy, Photos and village maps. Ex.P14 got marked

by petitioner was order passed by District Magistrate, suggesting market value, rate of compensation towards area under Tower, Corridor area. Such being case, disputing market - 10 - value therein, without specific evidence would be unsustainable.

17. At same time, Division Bench of this Court in WA

no.1375/2024 disposed of on 21.07.2025 has held diminution value of land due to drawing of Overhead Transmission Lines has to be taken at 30%. Admittedly, compensation paid towards Corridor area was calculated at 15% of market value of land, which would be contrary to above mentioned Division Bench decision. Therefore, order passed would warrant interference.

18. At same time, when trial Court arrived at conclusion

that difference of ratio of market value of land i.e. between SRGV of lands in different villages to Average Sale price during previous three years, would not be a justification for holding that suggestion of market value of land by District Magistrate was improper, it nevertheless orders for addition of 50% to market value suggested by District Magistrate for determination

of damages. Strangely, trial Court does not compute

compensation payable to petitioner, nor passed any order

insofar as award of interest on compensation. It is seen, there - 11 - is no dispute between parties about extent of land falling under Tower and corridor area, while compensation paid towards damage to crops/trees is confirmed. Therefore, impugned order/award would call for interference on this count also.

19. Thus, while enhancement of market value from

Rs.1,82,00,000/- to Rs.2,73,00,000/- is held unjustified, it is also held that determination of damages at 15% of market value in respect of corridor area instead of 30% would warrant interference. Since, respondents have paid Rs.31,56,563/- towards 15% of market value of petitioner's land, petitioner would be entitled for further sum of Rs.31,56,563/- being balance towards 30% of market value of land, which would require to be paid along with interest. Point for consideration is answered partly in affirmative.

20. Consequently, both writ petitions are allowed in

part, as above. Petitioner is held entitled for additional compensation of Rs.31,56,563/- with interest at 8% per annum from date of petition till payment/deposit. Same shall be deposited before trial Court within a period of six weeks from - 12 - date of receipt of certified copy of this order. On deposit, same shall forthwith released to petitioner. Sd/- (RAVI V HOSMANI) JUDGE AV/Psg*
List No.: 1 Sl No.: 33

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