

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH**

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

LA.App..No. 537 of 2001 (D)

LAR 63/1998 of III ADDITIONAL SUB COURT, ERNAKULAM DATED 30.6.2000

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APPELLANT(S)/2ND RESPONDENT:

**KERALA INDUSTRIAL INFRASTRUCTURE
DEVELOPMENT CORPORATION (KINFRA),
VELLAUYAMBALAM, THIRUVANANTHAPURAM,
REP. BY ITS MANAGING DIRECTOR.**

BY ADV. SRI.G.S.REGHUNATH

RESPONDENT(S)/CLAIMANT & 1ST RESPONDENT:

- 1. SRI.GEEVARGHESE,
S/O.UTHUPPU, KEERAMKUZHI,
KAKKANADU.**
- 2. STATE OF KERALA,
REP. BY ITS CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM.**

**R1 BY ADV. SRI.N.ANILKUMAR
R2 BY GOVERNMENT PLEADER SRI.R.PADMARAJAN**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

**T.R. RAMACHANDRAN NAIR &
K.P. JYOTHINDRANATH, JJ.**

L.A.A.No.537 of 2001

Dated this the 25th day of June, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment and decree in L.A.R. No.63/1998 on the file of the III Addl. Sub Court, Ernakulam, filed by the requisitioning authority. The property was acquired along with other items, for the purpose of the appellant for establishing an Export Processing Industrial Park. The notification under Section 4(1) of the Act is dated 31.1.1995 as published in the Gazette. The land value awarded by the Land Acquisition Officer is at the rate of Rs.1,724/- per are and the extent involved is 8.60 ares. The reference court granted enhancement by adopting the land value at the rate of Rs.2,978/- per are.

2. Heard learned counsel on both sides.

3. Before the reference court, the claimant relied upon Ext.A2 judgment in LAR No.47/1997 series and the respondents relied upon

Exts.B1 and B2. It was held that Ext.A2 judgment cannot be relied upon, since appeals are pending before this Court. But we notice that as of now the said judgment was the subject matter of LAA No.563/2000 and connected cases, wherein the land value adopted is Rs.21,000/- per are for reclaimed lands. After referring to the notes to award and other factors, the reference court enhanced the land value at the rate of Rs.2,978/- per are, by adopting the value reflected in the basic document.

4. Even though it is submitted that there is no justification for granting the said value, we find that the reasoning adopted by the Land Acquisition Officer in deducting 42% from the market value reflected in the basic document, was not justified, as rightly held by the reference court. Apart from the same, for similar type of lands included in category VIII, Rs.11,750/- per are has been granted by the reference court which was the subject matter of LAA No.1456/2005 and connected cases, wherein we have confirmed the judgment of the

reference court.

Therefore, this appeal fails and the same is dismissed. The parties will bear their costs in the appeal.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(K.P. JYOTHINDRANATH,, JUDGE.)

kav/

**T.R. RAMACHANDRAN NAIR &
K.P. JYOTHINDRANATH, JJ.**

L.A.A.No.537 of 2001

JUDGMENT

25th day of June, 2015