

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

LA.App..No. 808 of 2003 ()

**AGAINST THE JUDGMENT AND DECREE IN LAR 61/2000 OF SUB COURT, KASARAGOD
DATED 31-08-2002**

APPELLANT/IST RESPONDENT:

STATE OF KERALA

BY GOVERNMENT PLEADER

RESPONDENT/CLAIMANT/IIND RESPONDENT IN THE O.P.:

1. SMT.CAPPILA, W/O. LATE KARIYAN, KANNIYIL HOUSE, UDMA VILLAGE
2. SMT. VELLACHI, D/O. LATE KARIYAN, KANNIYIL HOUSE, UDMA VILLAGE
- *3. SRI. KUMARAN, S/O. LATE KARIYAN, KANNIYIL HOUSE, UDMA VILLAGE
(DIED AND LEGAL HEIRS IMPEADED)
4. SMT. MADHAVI, D/O. LATE KARIYAN, KANNIYIL HOUSE, UDMA VILLAGE
5. SRI. KRISHNAN, S/O. LATE KARIYAN, KANNIYIL HOUSE, UDMA VILLAGE
6. SRI. ARAVINDAN, S/O. LATE KARIYAN, KANNIYIL HOUSE, UDMA VILLAGE
7. SMT. ROHINI, D/O. LATE KARIYAN, KANNIYIL HOUSE, UDMA VILLAGE
8. SRI. KUNJIKANAN, S/O. LATE KARIYAN, KANNIYIL HOUSE, UDMA VILLAGE
9. SRI. KUNHIRAMAN, S/O. LATE KARIYAN, KANNIYIL HOUSE, UDMA VILLAGE

(NO.5 K. KRISHNAN IS THE POWER OF ATTORNEY HOLDER OF SL.NO.1 TO 4 & 6
TO 9)
10. THE MANAGING DIRECTOR, BRDC KAWDIYAR, THIRUVANANTHAPURAM

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***R3 DIED AND LEGAL HEIRS IMPEADED AS ADDITIONAL RESPONDENTS R11 TO R15.**

ADDITIONAL RESPONDENTS 11 TO 15

- 11. SMT. SUGANDHI, W/O. SRI. KUMARAN, KANNIYIL HOUSE, UDMA VILLAGE**
- 12. SRI. SUNILKUMAR, S/O. SRI. KUMARAN, KANNIYIL HOUSE, UDMA VILLAGE**
- 13. SRI. ANILKUMAR, S/O. SRI. KUMARAN, KANNIYIL HOUSE, UDMA VILLAGE**
- 14. SMT. SUDHA, D/O. SRI. KUMARAN, KANNIYIL HOUSE, UDMA VILLAGE**
- 15. SRI. SANALKUMAR, S/O. SRI. KUMARAN, KANNIYIL HOUSE, UDMA VILLAGE**

**[LEGAL HEIRS OF THE DECEASED 3RD RESPONDENT IMPEADED AS
ADDITIONAL RESPONDENTS 11 TO 15 VIDE ORDER DATED 20.3.2013 IN
I.A.505/2013 IN LAA 808/2003]**

**R5 BY ADV. SRI.SURESH KUMAR KODOTH
R10 BY ADV. SRI.V.N.RAMESAN NAMBISAN**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

SHG/

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

L.A.A.No.808 of 2003

Dated this the 3rd day of June, 2015

J U D G M E N T

Ramachandran Nair, J.

This appeal is from the judgment in LAR No.61/2000 on the file of the Sub Court, Kasaragod. The State has come up in appeal against the judgment of the reference court. The following details are necessary for the purpose of considering the merits of the matter:

2. LAR No.61/2000 was disposed of along with LAR 59/2000. The last date of the publication of notification under Section 4(1) was 17.12.1996 in this case. The acquisition was for Bakel Tourism Project.

3. We heard the learned Senior Government Pleader for the State and the learned counsel for the respondents.

4. We find from the judgment that the reference court has granted land value at the rate of Rs.18,000/- per cent based on Exts.A1 and A2. Ext.A1 is the true copy of the

award in LAR No.8/98. It was found that the properties in Ext.A1 and A2 touch the acquired properties in the present case. Therein land value has been awarded at the rate of Rs.18,000/- per cent which was adopted by the reference court. The property is garden land.

5. It cannot be said that the said method is not correct. There are other judgments of this Court relating to same acquisition. In the judgment in LAA 498/2003 from the judgment in LAR 58/00 rendered by this court similar aspects have been considered. There the land value claimed was at the rate of Rs.20,000/- per cent and finally the reference court awarded land value at the rate of Rs.19,500/- per cent which is a negotiated rate and the Division Bench by judgment dated 20.9.2007 found that the fixation of land value at the rate of Rs.19,500/- inclusive of all benefits under the Land Acquisition Act is fair and reasonable. In those cases the notification under Section 4 (1) is dated 1.12.1996. Therefore it is clear that the reference court in this case has not granted amount at any

exorbitant rate. The properties are similar and were acquired for the same purpose. We find no reason to differ from the view taken in the judgment in LAA 498/2003. Therefore no interference is called for and accordingly the appeal is dismissed, but without any order as to costs.

Sd/-

**T.R. RAMACHANDRAN NAIR
JUDGE**

Sd/-

**K.P. JYOTHINDRANATH
JUDGE**

shg/