

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

LA.App..No. 123 of 2002 (A)

LAR 76/1998 of PRL.SUB COURT, KOZHIKODE

APPELLANT/RESPONDENT :

STATE OF KERALA.

BY ADVS.GOVERNMENT PLEADER
SRI.RAJAN JOSEPH, ADDL.A.G.

RESPONDENTS/CLAIMANTS:

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1. P.LAKSHMI, POTTAMMAL THAZHAM HOUSE,
P.O.KOTTOOLI, KOZHIKODE.
 2. P.MINI, POTTAMMAL THAZHAM HOUSE,
P.O.KOTTOOLI, KOZHIKODE.
 3. P.MINISH, POTTAMMAL THAZHAM HOUSE,
P.O.KOTTOOLI, KOZHIKODE.
 4. P.GNISH, POTTAMMAL THAZHAM HOUSE,
P.O.KOTTOOLI, KOZHIKODE.
 5. P.KALLIANI, POTTAMMAL THAZHAM HOUSE,
P.O.KOTTOOLI, KOZHIKODE. (DIED)

ADDL. R6 TO R11 IMPEADED :

6. SAROJINI, (D/O. LATE P. KALLIANI), 71 YEARS,
W/O. RARUKUTTY, POKKUNNU, P.O.,
GURUVAYURAPPAN COLLEGE, KOZHIKODE.
7. SREEDHARAN, S/O. LATE P. KALLIANI, 59 YEARS,
THADAPPARAMBATH HOUSE, KUTTIKKATTOOR, KOZHIKODE.
8. N.KAMALA, (D/O. LATE P. KALLIANI) 55 YEARS,
NEDUNGAT HUSE, ERANHIPALAM, KOZHIKODE.
9. DASAN, (S/O. LATE P. KALLIANI) 53 YEARS,
CHETTUMPARAMBATH HOUSE, PERUMANNA, KOZHIKODE.

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10. RAMANI (D/O. LATE P. KALLIANI) 50 YEARS,
W/O. CHANDRAN AMBADI, POST CHERUVAYOOR,
VAZHAKKAD (VIA), ELAMARAM, MALAPPURAM

11. PRAKASAN, (S/O. LATE P. KALLIANI) 48 YEARS,
S/O. APPU, NER CH GROUND, MAVOOR.

LEGAL HEIRS OF DECEASED R5 ARE IMPEADED AS ADDL. R6 TO R11 VIDE
ORDER DT 5/6/2015 IN IA 1719/08

R1 TO R4 BY ADV. SRI.R.SUDHISH
BY ADV. SRI.VINOD SINGH CHERIYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

bp

P.B.SURESH KUMAR, J.

LAA No.123 of 2002

Dated this the 5th day of June, 2015

JUDGMENT

This is an appeal by the State challenging the decision in L.A.R No.76 of 1998 of the Sub Court, Kozhikode. Two Land acquisition Reference cases, viz., LAR Nos.444 of 1997 and 78 of 1998 covered by a notification were disposed of by the judgment impugned in this appeal and the land value fixed by the Land Acquisition Officer in both the cases was refixed at Rs.30,000/- per cent. It is conceded by the learned Government Pleader appearing for the State that no appeal was preferred against the decision in LAR No.444 of 1997, which was disposed of along with LAR No.76 of 1998 and that the said decision has become final.

True, there is no legal impediment for the appellant to pursue this appeal. But, the fact remains that if the

impugned judgment is interfered with, the same would result in differential treatment among the claimants at the hands of the State. Further, there will not be any consistency also in the decision making process by courts. In the circumstances, I am not inclined to entertain this appeal and the same is accordingly, dismissed.

P.B.SURESH KUMAR, JUDGE.

smm