

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

LA.App..No. 1108 of 2002 ()

AGAINST THE AWARD IN LAR 491/1993 ON THE FILE OF THE SUB COURT,
MAVELIKKARA DATED 30-11-2000

APPELLANTS/CLAIMANTS::

1. ACHAMMA ABRAHAM, PATTAMUKKIL HOUSE,
KANJOOR KOTTAKKAKAM, CHINGOLI.

2. PETER ABRAHAM, PATTAMUKKIL HOUSE,
KANJOOR KOTTAKKAKAM, CHINGOLI.

3. THOMAS ABRAHAM, PATTAMUKKIL VEEDU,
KANJOOR KOTTAKKAKAM, CHINGOLI.

4. SUSAM MARKS, PATTAMUKKIL HOUSE,
KANJOOR KOTTAKKAKAM, CHINGOLI.
(THROUGH POWER OF ATTORNEY HOLDER ACHAMMA, ABRAHAM
PATTAMUKKIL HOUSE, KANJOOR KOTTAKKAKAM, CHINGOLI.)

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS/RESPONDENTS::

1. STATE OF KERALA REPRESENTED BY
THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. NATIONAL THERMAL POWER
CORPORATION LTD., KAYAMKULAM, REPRESENTED
BY ITS GENERAL MANAGER.

R1 BY SR. GOVERNMENT PLEADER SRI. L.ALOYSIUS THOMAS.

R2 BY ADV. SMT. LATHA KRISHNAN - SC

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.,**

L.A.A. No.1108 of 2002

Dated this the 6th day of January 2015

JUDGMENT

Ramachandran Nair, J.,

This appeal is from the judgment in L.A.R. No. 491/93. The total extent of land acquired was 60.80 Ares, out of which, 46.60 Ares of land is reclaimed land and 14.40 Ares of land is wet land. The Land Acquisition Officer fixed the land value at the rate of Rs. 2,200/- per Are for wet land and Rs. 2,400/- per Are for the reclaimed land. The reference court has granted land value at the rate of Rs. 4,800/- per Are for reclaimed land and Rs. 4,400/- per Are for wet land.

2. Learned counsel for the appellant submitted that out of the total extent of properties acquired, actually, an extent of 9.80 Ares is reclaimed dry land and 14.40 Ares of wet land is in Sy.No. 241/14 and 36.60 Ares of wet land is in Sy. No. 241/15, all of Chingoli village.

3. We heard the learned counsel for the NTPC and learned Government Pleader also.

4. Even though, there is a claim to certain portion of the

property viz., 9.80 Ares as dry land, evidence is insufficient towards the same.

5. As far as wet land is concerned, we find that this Court in L.A.A. 707/2000 (L.A.R. No. 411/93 of the same court) has confirmed the land value fixed by the reference court at the rate of Rs. 6,400/- per Are. The acquisition is for the same purpose and the situation of properties are similar. Therefore, as far as the land viz., 14.40 Ares of wet land are concerned, we fix the land value at the rate of Rs. 6,400/- per Are. For the remaining extent i.e. 46.40 which is reclaimed land, in the light of the judgment rendered by us today, in L.A.A. 1367/2002, wherein, we have fixed the land value at the rate of Rs. 7,000/- per are for reclaimed land, we re-fix the land value at the same rate of Rs. 7,000/- per are. Thus the appeal is allowed to that extent. The appellants will be entitled to all the statutory benefits as granted by the trial court. No costs.

Sd/-

**T.R.RAMACHANDRAN NAIR
(JUDGE)**

Sd/-

**P.V.ASHA
(JUDGE)**

AL/-

True copy

P.A to Judge

L.A.A. No.1108 of 2002

:3:

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.,**

L.A.A. No.1108 of 2002

6.1.2015

JUDGMENT