

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. 1346 of 2002 ()

AGAINST THE AWARD IN LAR 501/1993 ON THE FILE OF THE SUB COURT,
MAVELIKKARA DATED 30-11-2000

APPELLANTS/CLAIMANTS:

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

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

3. THOMAS ABRAHAM, PATTAMUKKIL HOUSE,
KANJOOR, KOTTAKKAKOM, CHINGOLI

4. SUSAN MARKS, PATAMUKKIL HOUSE, KANJOOR,
KOTTAKKAKOM, CHINGOLI
(THROUGH POWER OF ATTORNEY HOLDER ACHAMMA, ABRAHAM
PATTAMUKKIL HOUSE, CHINGOLI)

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS/RESPONDENTS:

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

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

R1 BY SR.GOVERNMENT PLEADER SRI. 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.1346 of 2002

Dated this the 6th day of January 2015

JUDGMENT

Ramachandran Nair , J.,

The award of the reference court in L.A.R. No. 501/1993 is under challenge by the claimants herein. The land involved is having an extent of 11.20 Ares in Sy. No. 245/5 of Chingoli village which is treated as wet land by the Land Acquisition Officer. The notification under Section 4(1) is dated 30.12.1989.

2. We heard the learned counsel for the appellants and learned counsel for the NTPC.

3. Going by the award passed by the Land Acquisition Officer, the land value is fixed at the rate of Rs. 2,200/- per Are. The reference court enhanced the same to Rs. 4,400/- per Are.

4. Before this Court, learned counsel for the appellants submitted that the claimants are entitled to further enhancement especially in the light of the judgments in connected cases rendered by this Court. The properties therein were acquired

L.A.A. No.1346 of 2002

:2:

for the same purpose. Reference is made to the judgment in L.A.A. 707/2000 wherein, the land value is fixed at the rate of Rs. 6,400/- per Are for wet land. We have gone through the judgment. The properties are similarly placed.

We are of the view that in the light of the said judgment of this Court, the claimants herein will also be entitled to the same land value and we refix the land value for the acquired property at the rate of Rs. 6,400/- per Are. The claimants will also be entitled to all the statutory benefits granted by the trial court. Appeal is allowed, but without costs.

Sd/-

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

Sd/-

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

AL/-

True copy

P.A to Judge

L.A.A. No.1346 of 2002

:3:

L.A.A.1346/2002

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

JUDGMENT

6.1.2015