

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. 1547 of 2002 ( )  
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AGAINST THE JUDGMENT IN LAR 412/1993 of SUB COURT, MAVELIKKARA

APPELLANT/RESPONDENT:  
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STATE OF KERALA.

BY SR.GOVERNMENT PLEADER SRI.ALOYSIOUS THOMAS

RESPONDENTS/CLAIMANTS:  
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1. PAPPY KOCHUMMAN, THEKKUDUKKATHU,  
KANJOOR, KOTTAKKAKAM, CHINGOLI

2. ELIZABATH KOCHUMMAN, THEKKUDUKKATHU,  
KANJOOR KOTTAKKAKOM, CHINGOLI

3. PETER OOMMEN, DO.DO.

4. SUCI OOMMEN, DO.DO.

5. N.T.P.C. LTD., KAYAMKULAM.

BY ADV. SRI.K.SASIKUMAR  
ADV.SMT.LATHA KRISHNAN, SC, NTPC

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

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

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**L.A.A.No.1547 OF 2002**  
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Dated this the 6<sup>th</sup> day of January, 2015

**JUDGMENT**

Ramachandran Nair, J.

The judgment of the reference court in L.A.R.No.412/1993 is under challenge in this appeal.

2. The property having a total extent of 32.20 Ares was acquired for the purpose of NTPC. The date of Section 4(1) notification is 17.4.1990.

3. Out of the total extent, 16.10 Ares in Sy.No.241/28 was treated as wet land, 5.90 Ares as reclaimed dry land ( Sy.No.241/29) and 10.20 Ares as dry land ( Sy.No.241/30). The land value for dry land was fixed at ₹6,000/- per Are and for the remaining land it was fixed as ₹2,200/- per Are by the land acquisition officer. The reference court granted enhancement by fixing land value for the dry land @ ₹9,000/- per Are. For the thara portion, it was fixed as ₹6,000/-per Are. For the remaining item i.e. the chira portion, enhancement was

granted at the same rate of dry land, ie. at ₹ 9,000/- per Are.

4. Therefore, the enhancement will be ₹3,000/- per Are for 10.20 Ares, ₹ 6,800/- per Are for 5.90 Ares and ₹ 3,800/- per Are for 16.10 Ares. The reference court relied upon Exts.A1 and A2 judgments.

5. As far as dry land is concerned, in the light of the judgment in L.A.A.No.425/2000, wherein this Court fixed land value @ ₹18,000/- per Are, it cannot be said that the land value fixed by the reference court herein is in any way unjustified. For the wet land also, this Court has fixed land value @ ₹9,000/- per Are by the said judgment. For reclaimed land also, land value awarded is reasonable.

Therefore, we find no reason to interfere with the award and accordingly the appeal is dismissed. No costs.

**T.R.RAMACHANDRAN NAIR, JUDGE**

**P.V.ASHA, JUDGE**

SV.