

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

LA.App..No. 547 of 2004 ()

AGAINST THE JUDGMENT IN LAR 2/1998 of ADDL.SUB COURT,NORTH PARAVUR
DATED 20-12-2003

APPELLANT/ADDITIONAL 2ND RESPONDENT::

THE SREE SANKARACHARYA UNIVERSITY
OF SANSKRIT, KALADY, REPRESENTED BY THE
REGISTRAR.

BY ADVS.SRI.ARUN B.VARGHESE,SC, SREE SANKARACHAR
SRI.B.S.KRISHNAN(SR.),SC,SANSKRIT UTY.
SRI.K.ANAND, SC, SANSKRIT UTY.

RESPONDENTS/1ST RESPONDENT AND CLAIMANTS::

1. THE STATE OF KERALA
THE DISTRICT COLLECATOR, ERNAKULAM.

2. VAREED ESTHAPPAN, PATTATHY HOUSE,
KALADY. (DIED)

ADDITIONAL RESPONDENTS

3. EMILY, W/O LATE JOSE, PATTATHY HOUSE
CHENGAL KALADY
4. ANEESH, S/O JOSE, PATTATHY HOUSE
CHENGAL KALADY
5. MANU, S/O JOSE, PATTATHY HOUSE
CHENGAL KALADY
6. ANI, W/O LATE POULOSE, CHITTINAPPALLY
EDAKUNNU P.O., ANGAMALY

7. ROSILY, W/O ANTONY, ANTHIKATTU, ELOOR SOUTH
UDYOGAMANDAL, KALAMASSERY
8. GEORGE, S/O ESTHAPPAN, PATTATHY HOUSE
CHENGAL KALADY
9. MARY, W/O POULOSE, KARIMATHY HOUSE
KAIPARA (PARATHETTA), SREEMOOLANAGARAM
ERNAKULAM
10. TESSY, W/O JOY (NAVODHAYA DECORATIONS)
THARAPPIL HOUSE, OONUKAL P.O.
KOTHAMANGALAM, ERNAKULAM
11. SHINY, W/O SAJI, NAMBIADAN HOUSE, PARAPPURAM
P.O., KANJOOR, ERNAKULAM
12. SHAJAN, S/O ESTHAPPAN, PATTATHY HOUSE, CHENGAL
KALADY

*LEGAL HEIRS OF DECEASED R2 ARE IMPEADED AS ADDITIONAL
RESPONDENTS 3 TO 12 VIDE ORDER DATED 4.3.2015 IN
I.A.NO.516/2014.

ADDL.R3-R12 BY ADV. SRI.G.D.PANICKER
ADDL.R3-R12 BY ADV. SMT.JEENA JOSEPH
BY GOVT. PLEADER SRI.R.PADMARAJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

L.A.A.No.547 OF 2004

Dated this the 25th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed from the judgment and decree in L.A.R.No.2/1998 of the Sub Court, North Paravur.

2. The property was acquired for the construction of Sree Sankaracharya University and the notification under Section 4(1) notification was published on 17.8.1993.

3. As per the present award, the land acquisition officer awarded land value @ ₹72,835/- per Are and the reference court has granted 100% enhancement.

4. We are informed that connected appeal, namely L.A.A.No.199/2012 has been dismissed by a Division Bench of this Court by judgment dated 25/06/2012. It is submitted that therein the reference court initially granted enhancement @ 45% above the value awarded by the land acquisition officer and in appeal, the matter was

remanded for a fresh decision and thereafter the fresh award was passed giving enhancement by 98.6% which was approved by this Court.

The situation being identical, we are of the view that in the light of the view taken in the said judgment, no interference is called for in this appeal also. Therefore, the appeal is dismissed without any order as to costs.

T.R.RAMACHANDRAN NAIR, JUDGE

P.V.ASHA, JUDGE

SV.