

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

LA.App..No.606 of 2005 (B)

AGAINST THE ORDER/JUDGMENT IN LAR 177/1996 of PRL.SUB COURT, KOZHIKODE
DATED 30-09-2003

APPELLANT/RESPONDENT::

STATE OF KERALA.

BY SR. GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENTS/CLAIMANTS::

1. RUGMINI AMMA,
CHINNAMKUTTIYIL HOUSE, ERANHIKKAL P.O., KOZHIKODE.
2. AMMUKUTTY @ THANKAMMA,
CHINNAMKUTTIYIL HOUSE, ERANHIKKAL P.O., KOZHIKODE.
3. SARADA @ SANTHAMMA,
CHINNAMKUTTIYIL HOUSE, ERANHIKKAL P.O., KOZHIKODE.
4. RUGMINI AMMA,
CHINNAMKUTTIYIL HOUSE, ERANHIKKAL P.O., KOZHIKODE.
5. BHANUMATHY,
CHINNAMKUTTIYIL HOUSE, ERANHIKKAL P.O., KOZHIKODE.
6. VISALAKSHY,
CHINNAMKUTTIYIL HOUSE, ERANHIKKAL P.O., KOZHIKODE.
7. SURESH KUMAR,
CHINNAMKUTTIYIL HOUSE, ERANHIKKAL P.O., KOZHIKODE.
8. JAYADEVAN,
CHINNAMKUTTIYIL HOUSE, ERANHIKKAL P.O., KOZHIKODE.
9. SASI KUMAR,
CHINNAMKUTTIYIL HOUSE, ERANHIKKAL P.O., KOZHIKODE.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMACHANDRA MENON & ANIL K.NARENDRA, JJ.

C.M.Appl.No.835 of 2005 & L.A.A.No.606 of 2005

Dated this the 6th day of November, 2015

JUDGMENT

Ramachandra Menon, J.

This appeal has been preferred by the State being aggrieved by the judgment and decree dated 30.9.2003 passed by the Principal Subordinate court, Kozhikode in L.A.R.No.177 of 1996. Since there is a delay of 202 days, the same is sought to be condoned by filing application to condone delay of 202 days.

2. When the matter is taken up for consideration, the learned Government Pleader brought to the notice of this Court that the verdict passed in the instant case is based on Ext.A3 judgment passed in L.A.R.No.68 of 1996 involving the very same acquisition proceedings as per the very same Section 4(1) notification dated 18.2.1993. Being aggrieved by the said verdict passed by the Reference court, the State had already moved this Court by way of L.A.A.No.803 of 1998, wherein interference was declined and the appeal was dismissed on 11.6.2002. This being the position, nothing further remains to be considered and the

appeal has to have the very same course and fate in view of finalization of the matter as per L.A.A.No.803 of 1998.

In the above circumstances, both the application to condone the delay and the appeal stand dismissed.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

Sd/-

ANIL K.NARENDRA, JUDGE

skj