

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH**

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

LA.App..No. 103 of 2006

LAR 78/1998 of IIIRD ADDITIONAL SUB COURT, ERNAKULAM DATED 23-07-2004

APPELLANT(S)/RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM.**

BY SENIOR GOVERNMENT PLEADER SRI.R.PADMARAJAN

RESPONDENT(S)/CLAIMANTS/2ND RESPONDENT:

- 1. CHERIYA POULOSE,
KIZHAKKEVEETIL, PAVANAKKATTU, KUZHIYANJAL,
KAKKANAD.**
- 2. KERALA INDUSTRIAL INFRASTRUCTURE
DEVELOPMENT CORPORATION (KINFRA), VELLAYAMBALAM,
TRIVANDRUM, REPRESENTED BY THE, MANAGING DIRECTOR.**

**R1 BY ADVS. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G**

R2 BY ADV. SRI.G.S.REGHUNATH

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 25-06-2015, ALONG WITH LAA.NO.144/2006 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

**T.R. RAMACHANDRAN NAIR &
K.P. JYOTHINDRANATH, JJ.**

LAA Nos.103, 144, 165, 198 & 178 of 2006

Dated this the 24th day of June, 2015

JUDGMENT

Ramachandran Nair, J.

These appeals are from a common judgment of the reference court from LAR Nos.78/1998, 87/1998, 90/1998, 88/1998 and 82/10998. The requisitioning authority, viz. the second respondent herein, has not filed any appeal. These appeals have been filed by the State, aggrieved by the refixation of land value.

2. The notification under Section 4(1) of the Act is dated 31.1.1995 as published in the Gazette and the land value fixed by the Land Acquisition Officer is at the rate of Rs.3,830/- per which was enhanced to Rs.13,600/- per are by the reference court.

3. The properties herein were categorised as category IX, viz. high lying wet lands. The reference court has discussed in detail the evidence adduced by both sides. The claimants produced Exts.A1 to A21 and the respondents produced Exts.B1 to B25. Since the properties under different Land Acquisition References were

categorised differently, each one of the items have been taken up for discussion.

4. As far as the importance of the locality is concerned, the properties are situated 1 ½ kms. away from Kakkanad Civil Station. The method adopted by the Reference Court is clear from paragraphs 38 and 39 of the award. The basic document is document No.2087/1993 wherein the document value was Rs.14,827/- per are and it had been refixed by the State as per Ext.A19, to Rs.18,060/- per are. For the time lag from the date of document upto the date of Section 4 (1) notification, the land value was enhanced by 30% and the land value for item IV properties have been fixed at Rs.23,500/- per are, in paragraph 38 of the judgment. The said items of properties are wet lands having P.W.D. road frontage.

5. As far as item IX properties are concerned, the discussion is clear from paragraph 39 of the judgment. After fixing the land value for different items, for category IX it is fixed at Rs.13,600/- per are by making 42% reduction from the land value fixed in respect of category III.

6. Learned counsel for the claimants submitted that in the light of the judgment of this Court in LAA No.563/2000 and connected cases, fixing land value for category VI property at Rs.21,000/- per are, the rate adopted by the reference court herein is justified.

7. As far as category IV property is concerned, this Court has confirmed the value awarded at Rs.23,500/- per are in the judgment in LAA No.300/2006. They are wet lands having P.WD. road frontage.

8. The land value fixed for the items herein are concerned, it

cannot be said to be excessive. On a comparison of land value adopted for wet lands, viz. in respect of category IV, it is Rs.23500/- and for category IX it is only Rs.13,600/-.

Therefore, we find no reason to interfere with the judgment and decree and accordingly the appeals are dismissed. The parties will suffer their costs in the appeals.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(K.P. JYOTHINDRANATH,, JUDGE.)

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The date of the judgment shown in the first page of the original judgment in LAA Nos.103/2006 and connected cases is corrected as “25th day of June, 2015” as per order dated 23/11/2015 in LAA 103/2006 and connected cases.

Sd/- Registrar (Judicial)