

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

LA.App..No. 68 of 2012

**AGAINST THE JUDGMENT AND DECREE IN L.A.R.NO.526/2008 OF II ADDITIONAL
SUB COURT, THIRUVANANTHAPURAM, DATED 23.11.2010**

APPELLANT(S)/CLAIMANT :

**P.SARADAMMA,
TC 36/1808, SUBHASH NAGAR, VALLAKKADAVU P.O,
THIRUVANANTHAPURAM.**

BY ADV. SRI.S.D.ASOKAN

RESPONDENT(S)/RESPONDENTS :

- 1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.**
- 2. THE SECRETARY,
TRIDA, THIRUVANANTHAPURAM.**

**R1 BY GOVERNMENT PLEADER SRI.T.J.MICHAEL
R2 BY ADV. SRI.K.A.JALEEL, S.C
R2 BY ADV. SRI.M.RAJAGOPALAN NAIR, S.C**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

P.B.SURESH KUMAR, J.

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L.A.A.No.68 of 2012.
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Dated this the 10th day of February, 2015.

J U D G M E N T

The decision of the Court of the Subordinate Judge, Thiruvananthapuram in LAR.No.526 of 2008 is under challenge in this appeal. The claimant in the proceedings is the appellant.

2. An extent of 0.04 Ares of land comprised in survey No.1291/A2-16 of Pettah Village was acquired for the widening of Eanchakkal-Attakkulangara-Sreevaraham road. The Land Acquisition Officer fixed the land value at the rate of Rs.2,47,000/- per Are and the reference court re-fixed the land value at Rs.3,21,100/- per Are. The claimant is aggrieved by the inadequacy of the fixation of the land value made by the reference court. Hence this appeal.

3. Heard Sri.S.D.Asokan, the learned counsel for the appellant as also the learned Government Pleader for the respondents.

4. The learned counsel for the appellant brought to

my notice two judgments by which this Court fixed the land value in respect of two other items of properties covered by the very same notification. On the basis of the said judgments, it was argued by the learned counsel for the appellant that the claimant is entitled to get the land value fixed at Rs.17 lakhs per Are.

5. LAA.No.1 of 2011 relied on by the learned counsel for the appellant was an appeal preferred by the State challenging the enhancement granted by the reference court for a property covered by the very same notification. In that case, the Land Acquisition Officer has fixed the land value at Rs.2,47,500/- per Are and the reference court enhanced the land value to Rs.29,64,000/- per Are. The decision of the reference court was interfered with by this Court holding that the claimant is entitled to compensation only at the rate of Rs.17 lakhs per Are. Following the judgment in LAA.No.1 of 2011, in LAA.No.637 of 2011, this Court fixed the land value in respect of another property covered by the very same notification at Rs.17 lakhs per Are. In the said case also, the reference court had fixed the

land value at Rs.2,47,500/- per Are. In the light of the said judgments of this Court, the compensation granted to the appellant is liable to be re-fixed.

In the result, the appeal is allowed in part and the land value payable to the claimant is re-fixed at Rs.17 lakhs per Are. The appellant will also be entitled to all the statutory benefits admissible under Section 23(1A), 23(2) and 28 of the Land Acquisition Act.

**Sd/-
P.B.SURESH KUMAR,
(Judge)**

Kvs/-

//. true copy //

PATO JUDGE.