

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

LA.App..No. 185 of 2012 ()

AGAINST THE JUDGMENT IN LAR 93/2006 of SUB COURT, PATHANAMTHITTA
DATED 29-07-2008

APPELLANTS/RESPONDENTS IN LAR:

1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
PATHANAMTHITTA.

2. THE EXECUTIVE ENGINEER
KSTP, KOTTARAKKARA DIVISION.

BY SR. GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENT/CLAIMANT IN LAR:

SREEDHARAN PILLAI
THEKKE PANACHIVILA HOUSE, KADACKADU MURI
KURAMPALA VILLAGE, ADOOR TALUK - 689 501.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 13-01-2015 ALONG WITH L.A.A.NO.702/2012, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

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

L.A.A.Nos.185 & 702 OF 2012

Dated this the 13th day of January, 2015

JUDGMENT

Ramachandran Nair, J.

L.A.A.No.185/2012 is filed from the judgment in L.A.R.93/2006 of Sub Court, Pathanamthitta. The land acquired is having an extent of 0.12 Ares in Sy.No.4/56 of Kurampala Village in Adoor Taluk. The acquisition is for widening Kottarakkara-Adoor-Chengannur M.C.Road and the date of Section 4(1) notification is 26.07.2003. The land value awarded by the Land Acquisition Officer is @ ₹42,261/- per Are and the Reference Court enhanced the land value to ₹ 2 lakhs per Are.

2. L.A.A.No.702/2012 is from the judgment in L.A.R.No.92/2006 of the same court and the land acquired is having an extent of 15 Sq.mtrs. of dry land in Sy.No.4/54 of Kurampala Village in Adoor Taluk. The acquisition is for the same purpose, the land value awarded by the land acquisition officer is also at the same rate of

₹42,261/- per Are and the land value fixed by the reference court is also @ ₹ 2 lakhs per Are.

3. These appeals are filed stating that the enhancement is unjustified. Going by the judgment in L.A.A.No,185/2012, the acquired land is situated adjacent to M.C.Road at M.M.Hospital Junction, Pandalam Town. On the side of the claimant in L.A.A.No.185/2012, he was examined as AW1 and Ext.A1 has been marked. In the cross examination, it was stated that the acquired land is situated 100 metres south from the N.S.S Medical Mission Hospital Junction, Pandalam. After considering various aspects, the land value has been enhanced to ₹2 lakhs per Are. In a similar matter, in our judgment in L.A.A.No.510/2009 and 529/2013, where the land acquisition officer fixed land value @ 38585/- per Are and the reference court enhanced to ₹3 lakhs, we have dismissed the appeals in the light of the location and other importance of the land involved therein. Herein also, the location of the property is in an important part of Pandalam town. Therefore the land value fixed by the reference

court cannot be said to be totally unjustified. In L.A.A.No.702/2012, the court below has considered similar aspects. The location of the property therein also is 100 metre south from Pandalam Medical Mission Junction. Ext.A1 judgment in L.A.R.No.93/2006 was relied upon by the reference court, in awarding land value at ₹2,00,000/-per Are. We find that the same is reasonable considering the locational importance of the land acquired.

Accordingly, the appeals are dismissed. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE

P.V.ASHA, JUDGE

SV.

