

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 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

L.A.App..No. 186 of 2012 (B)

**(AGAINST THE JUDGMENT AND DECREE IN L.A.R NO.343/2006 OF II ADDL.SUB
COURT, THIRUVANANTHAPURAM DATED 27-03-2009)**

APPELLANT(S)/RESPONDENT IN L.A.R :

**STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.**

BY SR. GOVERNMENT PLEADER, SRI. R.PADMARAJ

RESPONDENT(S)/CLAIMANTS & 2ND RESPONDENT IN L.A.R :

- 1. KRISHNAMMAL,
TC 25/2364, M.G.ROAD, THIRUVANANTHAPURAM-695 001.**
- 2. SHANMUGHOM PILLAI,
TC 25/2364, M.G.ROAD, THIRUVANANTHAPURAM,
PIN-695 001.**
- 3. THE SECRETARY,
TRIDA, THIRUVANANTHAPURAM-695 001.**

*** LEGAL REPRESENTATIVE OF THE DECEASED 1ST AND 2ND RESPONDENTS:**

**ADDL. 4 SRI. T.ALAGAPPA PILLAI RESIDING AT T.C.NO.25/2364,
KRIPON BUILDING OPPOSITE AYURVEDA COLLEGE,
M.G.ROAD, THIRUVANANTHAPURAM - 659 001.**

*** IMPEADED AS ADDL. 4TH RESPONDENT AS PER ORDER DATED
16.12.2013 IN I.A.NO.1853/2013.**

R3 BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, TRIDA

**THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.T.O.

St/-

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

L.A.A No.186 of 2012

Dated this the 4th day of February, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed from the judgment and decree in L.A.R No.343/2006 of the II Additional Sub Court, Thiruvananthapuram. An extent of 0.44 Ares of land in Sy. No.1297/2-3, 4-2 of Vanchiyoor Village was acquired for the purpose of widening the LMS - Attakulangara Road for TRIDA, the 3rd Respondent, by notification dated 07.08.2004 under Sec.4(1). The Land Acquisition Officer fixed the land value at Rs.4,11,665/- per Are. The Reference Court has granted the enhanced land value at Rs.27,16,998/- per Are.

2. Even though notice has been ordered to the Additional 4th Respondent and he has received notice also, there is no appearance. He was impleaded as the legal heir of the Respondents Nos. 1 and 2.

3. We have heard the matter along with other appeals pending from similar judgments, from the same acquisition. Separate judgments have been rendered also.

4. The learned Senior Government Pleader submitted that this Court has re-fixed the land value at Rs.24,00,000/- and reliance is placed on the judgments namely, L.A.A No.2008/2008 and L.A.A No.77/2013. In L.A.A No.77/2013, we have re-fixed the land value from Rs.28 Lakhs to Rs.24 Lakhs, by relying upon the judgment in L.A.A No.2008/2008. Since the property was acquired for the same purpose and is similar in nature, we will be justified in granting the same land value in this case also.

Accordingly, the appeal is allowed and the land value is re-fixed at Rs.24,00,000/- per Are. No costs.

Sd/-
T.R.RAMACHANDRAN NAIR
JUDGE

Sd/-
P.V.ASHA
JUDGE

//true copy//

P.S. To Judge

St/-