

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 MARCH 2015/13TH PHALGUNA, 1936

LA.App..No. 254 of 2012 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 149/2009 ON THE FILE OF THE
ADDL.SUB COURT,NORTH PARAVUR DATED 17-08-2011

APPELLANTS/CLAIMANTS:

1. ANNAM
W/O JOSE, ARAKKAL HOUSE,
CHERIYAVAPALASSERY
ANGAMALY VIA.

2. SHYNI
S/O JOSE, DO ADDRESS

3. ROSILY
D/O JOSE, DO ADDRESS.

4. MARTIN
S/O JOSE, DO ADDRESS.

5. PAUL
S/O JOSE, DO ADDRESS.

6. MARY
D/O JOSE, DO ADDRESS.

BY ADVS.SRI.B.JAYASANKAR
SRI.K.SREESAKUMAR

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA

2. DEPUTY CHIEF ENGINEER (CONSTRUCTION)
SOUTHERN RAILWAY, ERNAKULAM-682016.

R1 BY GOVERNMENT PLEADER SRI. ALOYSIUS THOMAS.
R-R2 BY ADV. SRI.N.B.SUNIL NATH,SC, RAILWAYS

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

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

L.A.A. No.254 of 2012

Dated this the 4th day of March 2015

JUDGMENT

Ramachandran Nair , J.,

This appeal is filed from the judgment and decree in L.A.R. No. 149/09 on the file of the Additional Sub Court, North Paravur. An extent of 14.68 Ares of land in Block No. 9 in resurvey No.146/23 of Nedubassery Village was acquired for the construction of Angamaly-Sabarimala Railway line. The date of notification under Section 4(1) was dated 14.11.2006 and the land value awarded by the Land Acquisition Officer is at Rs. 1,00,076/- per Are. Even though, the claimant sought for enhancement at Rs. 4 lakhs per cent, the court below refused to grant enhanced land value.

2. Heard both sides.

3. At the outset, the learned counsel for the appellant submitted that the reference court ought to have allowed the claim since in L.A.R. No.75/2010 for a similar item of land, value

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has been fixed at Rs. 3,16,030/-. We are of the view that in the light of the judgment in L.A.A.101/2012 which we have disposed of today by a separate judgment, the claimant is entitled to succeed. Therein in respect of a similar item of land, acquired for the same purpose and as per the same notification, this Court refixed the land value at the rate of Rs.2,65,000/- per Are. In that view of the matter, the appeal is allowed. The claimant will be entitled to enhanced land value . The land value for the acquired property is fixed at Rs. 2,65,000/- per Are. The claimant will be entitled to all the statutory benefits under Section 23, (23 1 A) as well as Section 28 of the Land Acquisition Act and will also be entitled to proportionate costs in the appeal.

It is made clear that the compensation for injurious affection granted by the trial court will be sufficient.

Sd/-

**T.R.RAMACHANDRAN NAIR
(JUDGE)**

**Sd/-
P.V.ASHA
(JUDGE)**

AL/-

True copy

P.A to Judge