

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA**

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

LA.App..No. 265 of 2012 ()

**AGAINST THE JUDGMENT AND DECREE DATED 06/02/2009 IN LAR. NO.342/2008 OF
II ADDITIONAL SUB COURT, THIRUVANANTHAPURAM.**
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APPELLANT/RESPONDENT IN LAR:

**STATE OF KERALA,
REPRESENTED BY THE SPECIAL TAHSILDAR,
LA (GENERAL), THIRUVANANTHAPURAM.**

BY SR. GOVT. PLEADER SRI.R. PADMARAJ.

RESPONDENT/CLAIMANT IN LAR:

**T. MURUKESAN,
MURUKA BHAVAN, TC, 16/504,
JAGATHY, THYCAUD P.O.,
THIRUVANANTHAPURAM - 695 014.**

BY ADV. SRI.BASANT BALAJI.

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 06-03-2015, ALONG WITH LAA. NO.377 OF 2012 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

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

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**L.A.A.Nos.265,377,398
and 518 of 2012**

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Dated this the 6th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

These appeals are filed by the State, aggrieved by the enhancement of land value made by the reference court in these cases.

2. L.A.A.No.265 of 2012 is from the judgment and decree in LAR No.342/2008, L.A.A.No.377 of 2012 is from the judgment and decree in LAR No.454/2008, L.A.A.No.398 of 2012 is from the judgment and decree in LAR No.354/2008, L.A.A.No.518 of 2012 is from the judgment and decree in LAR No.347/2008.

3. The acquisition is for the same purpose in all these cases, namely, for the widening of road from Museum to Bakery Junction and the properties are aligned in Reach III, namely, Panavila Junction to Thampanoor. The Land Acquisition Officer fixed the land value at the same rate namely, ₹2,47,000/- per Are and

the notification under Section 4(1) is also published on 30.09.2004. The reference court has granted enhancement to ₹30 lakhs.

4. We heard all the appeals together. The learned Senior Government Pleader would submit that the acquired properties are part of the whole stretch from Museum to Bakery Junction.

5. The learned Senior Government Pleader relied upon judgment of this Court in LAA No.262 of 2009 in which this Court re-fixed the land value to ₹21,38,390/-.

6. The learned counsel for the claimants relied upon another judgment of this Court in LAA No.838 of 2009, wherein the land value was fixed by the Land Acquisition Officer at ₹2,44,560/- per Are. Even though the reference court fixed the land value to ₹30 lakhs per Are, this Court re-fixed the same to ₹21,60,000/- per Are.

The reference court has disposed of all the cases together by relying upon various items of evidence produced by the parties. In the light of the judgment of this Court in L.A.A No.838/2009, fixing a higher land value than in the judgment in LAA No.262/2009, we prefer to follow the judgment in LAA

838/2009 in view of the location and importance of the acquired properties. The proximity to important institutions and Government Secretariat has been found by the Reference Court. Accordingly, the land value in respect of all the items involved in all the four cases is re-fixed at ₹21,60,000/- per Are and the appeals are allowed to that extent. The parties will bear their costs in these appeals.

T. R. Ramachandran Nair, Judge

P.V. Asha, Judge

sj