

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. 357 of 2012 (D)

**AGAINST THE JUDGMENT & DECREE DATED 6.2.2009 IN LAR.NO. 359/2008
OF II ADDL.SUB COURT, THIRUVANANTHAPURAM**

APPELLANTS/RESPONDENTS :

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

BY SR. GOVT. PLEADER SRI. R. PADMARAJ

RESPONDENT/CLAIMANT :

**OMANAKUTTY AMMA A. (*DIED)
D/O. AMMUKUTTY AMMA, T.C.25/1156, KRISHNA VIHAR
EAST THAMPANOR, THIRUVANANTHAPURAM-695 001.**

***ADDL. R2 IMPEADED**

***ADDL.R2. A. UNNIKRISHNAN NAIR
T.C. NO. 25/1156
KRISHNA VIHAR, EAST THAMPANOR
THIRUVANANTHAPURAM.**

***IS IMPEADED AS THE LEGAL HEIR OF THE DECEASED SOLE RESPONDENT
VIDE ORDER DT. 18.9.12 IN IA NO. 1277/12.**

ADDL.R2 BY ADV. SRI.BASANT BALAJI

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 06-03-2015, ALONG WITH LAA NO. 815/2012 & LAA NO. 821/2012,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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

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L.A.A.Nos.357, 815 & 821 of 2012

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Dated this the 6th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

All these three appeals are heard together in the light of the fact that the properties involved in are similarly placed. They are respectively from the judgments and decrees in LAR No.361/2008, 359/2008 and 360/2008 of the II Additional Sub Court, Thiruvananthapuram.

2. The land involved are acquired for the widening of the road from Museum to Tampanoor. The properties herein are in Reach III namely from Panavila Jn to Thampanoor. The Land Acquisition Officer has fixed the land value @ ₹3,39,625/- per Are which stands enhanced to ₹30 lakhs per Are by the Reference Court. The learned Senior Counsel submits that this Court has re-fixed the land value in LAA No.262 of 2009 to ₹21,38,390/-. It is also submitted that in 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 and this Court re-fixed the same to ₹21,60,000/- per Are.

3. The learned counsel for the parties submitted that there cannot be a comparison between the properties in Reach II and properties involved in Reach III. These properties are situated in a very important locality namely from Aristo Junction to Thampanoor Central. Important institutions like KSRTC bus stand and Railway Station, as well as theatres are situated near to the acquired properties. It is submitted that in the cases relied on by the learned Senior Government Pleader, the Land Acquisition Officer has fixed the land value at a reduced rate namely ₹2,44,560/- but herein the Land Acquisition Officer has fixed a higher rate of more than ₹ One lakh as far as the acquired properties are concerned.

4. There cannot be any dispute that the properties are situated in a very important locality within Thiruvananthapuram city, which are very close to the Thampanoor Junction where the KSRTC bus stand as well as the Railway Station are situated. Many other important institutions are also situated in the locality, as seen from paragraph 24 of the judgment.

In that view of the matter, we find that a different consideration should be given in these cases. We, therefore, are of the view that the claimants are entitled for a higher rate herein than those fixed by this Court in earlier judgments. We, therefore, re-fix the land value to ₹29 lakhs per Are, in respect of land acquired in these cases and these 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