

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. 561 of 2012 (A)

**(AGAINST THE JUDGMENT AND DECREE IN L.A.R NO.199/2006 of II ADDL.SUB
COURT, THIRUVANANTHAPURAM DATED 25-08-2009)**

APPELLANT/RESPONDENT NO.1:

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

BY SR. GOVERNMENT PLEADER, SRI. R.PADMARAJ

RESPONDENTS/CLAIMANTS & RESPONDENT NO.2:

- 1. MARIYAMMA VARKEY,
T.C.NO.4/335, VARKEY VILLA, AMBALA NAGAR,
KOWDIAR.P.O, THIRUVANANTHAPURAM. 695 035.**
- 2. THE CHIEF MANAGER,
FEDERAL BANK LTD., PALAYAM,
THIRUVANANTHAPURAM. 695 001.**
- 3. THE SECRETARY,
TRIDA, THIRUVANANTHAPURAM. 695 001.**

**R1 BY ADVS. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.GOVIND PADMANAABHAN**

**R2 BY ADVS. SRI.GEORGE VARGHESE (MANACHIRACKEL)
SMT.LIZA P.CHERIAN**

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

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD 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.561 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.199/2006 of the II Additional Sub Court, Thiruvananthapuram. An extent of 0.54 Ares of land in Sy. No.2786/A3 of Vanchiyoor Village was acquired for the purpose of widening the LMS - Attakulangara Road for the 2nd Respondent, as per Section 4(1) notification dated 07.08.2004. The Land Acquisition Officer fixed the land value at Rs.4,11,665/- per Are.

2. The Reference Court has granted the enhanced land value at Rs.24,70,000/- per Are.

3. The learned Senior Government Pleader relied upon the judgment in L.A.A No.77/2013 and contended that the land value fixed by the court below at Rs.24,70,000/- is on a higher side. It is further submitted that in L.A.A No.322/2011, wherein also the acquisition was for the same purpose, this

Court had re-fixed the land value.

4. In the light of the fact that we have fixed the land value in L.A.A No.77/2013 at Rs.24,00,000/- and since the properties are similar in nature, we take the same yardstick for awarding compensation. Accordingly, we re-fix the land value of the property acquired at Rs.24,00,000/- per Are.

The appeal is accordingly allowed. No costs.

Sd/-
T.R.RAMACHANDRAN NAIR
JUDGE

Sd/-
P.V.ASHA
JUDGE

//true copy//

P.S. To Judge

St/-