

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

LA.App..No. 564 of 2012 ()

AGAINST THE ORDER/JUDGMENT IN LAR 224/2008 of II ADDL.SUB
COURT,TRIVANDRUM DATED 11-02-2011

APPELLANT(S):RESPONDENT IN LAR

STATE OF KERALA REP. BY THE DISTRICT COLLECTOR, TVM.

BY SR.G.P. SHRI R. PADMARAJ

RESPONDENT(S):

M.MUHAMMED ABDUL KHADER

T.C.20/2701, KARAMANA, THIRUVANANTHAPURAM-695002

R BY ADV. SMT.M.HEMALATHA

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION
ON 12-01-2015, ALONG WITH LAA 709/2012 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

**LAA Nos.564, 709 & 804 of 2012, 33, 66, 282 and 350
of 2013 and 503 of 2014**

Dated this the 12th day of January, 2015

JUDGMENT

Ramachandran Nair, J.

In all these appeals the State is aggrieved by the land value fixed by the reference court. The land was acquired for widening the road from Karamana - Killapalam Reach II and III. In LAA No.564/2012, The Land Acquisition Officer awarded land value at the rate of Rs.2,07,774/- per are. In LAA No.709/2012 the land value awarded by the Land Acquisition Officer is Rs.1,56,831/- per are. In LAA No.804/2012 the Land Acquisition Officer awarded land value at the rate of Rs.1,64,673/- per are. In LAA No.33/2013 the land value awarded by the Land Acquisition Officer is at the rate of Rs.1,56,381/- per are. In LAA No.66/2013 the land value awarded by the Land Acquisition Officer is at the rate of Rs.2,07,774/-. In LAA No.282/2013 the land value awarded by the Land Acquisition Officer

is at the rate of Rs.2,07,774/-. In LAA No.350/2013, the land value awarded by the Land Acquisition Officer is Rs.2,07,774/- and in LAA No.503/2014 the same is at the rate of Rs.1,64,673/-.

2. In LAA No.564/2012, the reference court, by relying upon Ext.A1 judgment in LAR No.223/2008, fixed the land value at the rate of Rs.9,88,000/- per are. In LAA No.709/2012, the reference court, by relying upon Ext.A1 judgment in LAR No.398/2008, fixed the land value at the rate of Rs.9,88,000/- per are. In LAA No.804/2012, the reference court, by relying upon Ext.A1 judgment in LAR No.125/2007, fixed the land value at the rate of Rs.9,88,000/- per are. In LAA No.33/2013, the reference court, by relying upon Ext.A1 judgment in LAR No.125/2007, fixed the land value at the rate of Rs.9,88,000/- per are. In LAA No.66/2013, the reference court, by relying upon Ext.A1 judgment in LAR No.348/2008, fixed the land value at the rate of Rs.9,88,000/- per are. In LAA No.282/2013, the reference court, by relying upon Ext.A1 judgment in LAR No.125/2007, fixed the land value at the rate of Rs.9,88,000/- per are. In LAA No.350/2013, the reference court, by relying upon Ext.A1

judgment in LAR No.479/2008, fixed the land value at the rate of Rs.9,88,000/- per are. In LAA No.503/2014, the reference court, by relying upon Ext.A1 judgment in LAR No.399/2008, fixed the land value at the rate of Rs.9,88,000/- per are.

3. Learned Senior Government Pleader pointed out that the judgment in LAR No.125/2007 was under appeal before this Court in LAA No.132/2011. After considering various aspects, this Court by relying upon an earlier judgment in LAA No.328/2009 wherein the acquisition was for the same purpose, fixed the land value at the rate of Rs.6,10,000/-.

4. In LAA No.46/2014 which is an appeal filed from LAR No.164/2009 and disposed of by this Court on 18/12/2014, in a case where the Land Acquisition Officer awarded land value at the rate of Rs.2,07,774/- and the reference court enhanced it to Rs.6,17,284/-, this Court dismissed the appeal filed by the State confirming the judgment of the reference court. Therein, reference is made to Ext.A1 common judgment in LAR Nos.51, 25 and 45 of 2003. Therefore, as far as cases where the land value is awarded at the rate of Rs.2,07,774/- and

enhanced by the reference court to Rs.6,17,284/-, in the light of the judgment in LAR No.46/2014, we award land value at the same rate and in other cases it will be Rs.6,10,000/-. Therefore, the land value in each individual cases is given below:

<i>Case NO.</i>	<i>Amount awarded by the L.A.O.</i>	<i>Amount modified as per this judgment</i>
<i>LAA No.564/2012</i>	<i>Rs.2,07,774/-</i>	<i>Rs.6,17,284/-</i>
<i>LAA No.709/2012</i>	Rs.1,56,831/-	Rs.6,10,000/-
<i>LAA No.804/2012</i>	Rs.1,64,673/-	Rs.6,10,000/-
<i>LAA No.33/2013</i>	Rs.1,56,831/-	Rs.6,10,000/-
<i>LAA No.66/2013</i>	Rs.2,07,774/-	Rs.6,17,284/-
<i>LAA No.282/2013</i>	Rs.2,07,774/-	Rs.6,17,284/-
<i>LAA No.350/2013</i>	Rs.2,07,774/-	Rs.6,17,284/-
<i>LAA No.503/2014</i>	Rs.1,64,673/-	Rs.6,10,000/-

The appeals are accordingly allowed. No costs.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(P.V. ASHA, JUDGE.)

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