

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. 578 of 2012 (D)

**(AGAINST THE JUDGMENT AND DECREE IN L.A.R NO.636/2008 of II ADDL.SUB
COURT, THIRUVANANTHAPURAM DATED 29-07-2011)**

APPELLANT(S)/IST RESPONDENT:

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

BY SR. GOVERNMENT PLEADER, SRI. R.PADMARAJ

RESPONDENT(S)/CLAIMANTS & 2ND RESPONDENT:

- 1. ARAVIND BHASI,
T.C.36/1308(2), PERUMTHANNI, PETTAH VILLAGE,
THIRUVANANTHAPURAM. PIN-695 024.**
- 2. THE SECRETARY,
THIRUVANANTHAPURAM DEVELOPMENT AUTHORITY (TRIDA),
THIRUVANANTHAPURAM. 695 001.**

**R1 BY ADVS. SRI.V.SURESH
SRI.G.SUDHEER
SMT.M.JAYASREE
SMT.N.P.ASHA**

R2 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.578 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.636/2008 of the II Additional Sub Court, Thiruvananthapuram. An extent of 1.65 Ares of land comprised in Re-Survey No.1118/2 of Vanchiyoor Village was acquired for the purpose of widening the LMS - Attakulangara Road for the 2nd Respondent, by notification under Section 4(1) dated 07.08.2004. The Land Acquisition Officer fixed the land value at Rs.4,11,664.84/- 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 re-fixed the land value.

4. In the light of the fact that we have re-fixed the land value in L.A.A No.77/2013 and since the properties are similar in nature, the same yardstick has to be adopted. Accordingly, we re-fix the land value 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/-