

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 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

LA.App..No. 610 of 2012 ()

AGAINST THE ORDER/JUDGMENT IN LAR 182/2003 of II ADDL.SUB
COURT,TRIVANDRUM DATED 31-03-2012

APPELLANT(S)/ADDITIONAL CLAIMANTS2-5:

1. VIMALA DEVI
W/O.LATE S.RAVEENDRAN, RIJU BHAVAN, MARANALLOOR
THIRUVANANTHAPURAM.

2. RIJU
S/O.LATE S.RAVEENDRAN, RIJU BHAVAN, MARANALLOOR
THIRUVANANTHAPURAM.

3. RINU
S/O.LATE S.RAVEENDRAN, RIJU BHAVAN, MARANALLOOR
THIRUVANANTHAPURAM.

4. RINI
D/O.LATE S.RAVEENDRAN, RIJU BHAVAN, MARANALLOOR
THIRUVANANTHAPURAM.

BY ADVS.SRI.GOPAKUMAR R.THALIYAL
SRI.A.CHANDRA BABU

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM, PIN-695023.

2. THE MANAGING DIRECTOR
INTERNATIONAL AIRPORT DEVELOPMENT SOCIETY
POST BOX NO.5424, VIKAS BHAVAN P.O., MASCOT SQUARE
THIRUVANANTHAPURAM, PIN-695033.

BY SR.G.P. SHRI R. PADMARAJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

L.A.A.No.610 of 2012

Dated this the 19th day of January, 2015

JUDGMENT

Ramachandran Nair, J.

In this appeal, the entitlement of the claimants for statutory benefits under Section 23(1A) of the Land Acquisition Act arises for consideration. The acquired land is having an extent of 5.10 ares comprised in Sy. No.448/17 of Pettah Village, Thiruvananthapuram Taluk. The land was acquired for the construction of the new International passenger terminal at Chakai, Thiruvananthapuram. The notification under Section 4(1) of the Act was published on 4.2.1999 and the award was passed on 7.6.2002. The land was taken possession on 30.7.2002.

2. The land value awarded by the Land Acquisition Officer is at the rate of Rs.78,743/- per are. The Land Acquisition Officer awarded the benefit under Section 23(1A) of the Act from 4.2.1999 to 3.3.1999

and from 26.6.2001 to 6.6.2002 and has not granted the statutory benefit for the period from 4.3.1999 to 25.6.2001. There was a reference before the court below with regard to the grant of land value and the reference court enhanced the land value to Rs.15 Lakhs per are. This was set aside by this Court in LAA No.329/2010 and the matter was remanded back and after remand, the land value fixed is at Rs.2,25,000/- per are. The increase by 12% is granted only for the enhanced land value for the period from 4.2.1999 to 7.6.2002.

3. We heard learned counsel for the appellants Shri Gopakumar and learned Senior Government Pleader Shri R. Padmaraj.

4. What is claimed is that 12% increase under Section 23(1A) will have to be granted for the market value awarded for the period from 4.3.1999 to 25.6.2001. Evidently the entitlement of the claimant for that period cannot be disputed since the statutory provision itself governs the matter. We find that the court below has granted the benefit only for the enhanced land value for the period from 4.2.1999 to 7.6.2002, going by the operative portion of the judgment.

5. We, therefore, allow the appeal and hold that the claimants are

entitled for the benefit under Section 23(1A) of the Act for the land value fixed by the Land Acquisition Officer also, for the period from 4.3.1999 to 25.6.2001 which will also carry other statutory benefits as permitted by law. No costs.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(P.V. ASHA, JUDGE.)

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