

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN**

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

LA.App..No. 632 of 2012 (C)

**AGAINST THE ORDER/JUDGMENT IN LAR 2/2010 of SUB COURT, CHENGANNUR DATED
8.10.2010**

APPELLANTS/RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BYH THE SPECIAL TAHSILDAR LA, (GENERAL)
ALAPPUZHA.**
- 2. THE ASSISTANT EXECUTIVE ENGINEER
KERALA STATE TRANSPORT PROJECT, KERALA PWD
KOTTARAKKARA.**

**BY ADVS.SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL
SR. GOVERNMENT PLEADER SRI.R.PADMARAJ**

RESPONDENT/CLAIMANT:

**VASANTHI,
D/O. DEVAKI, VALIYAKALAYIL, KARAKKADU MURI
MULAKKUZHA, CHENGANNUR
REPRESENTED BY HER POWER OF ATTORNEY HOLDER
VILASAVATHI P.V., D/O. VELAYUDHAN, VALIYAKALAYIL
KARAKKADU MURI, MULAKKUZHA VILLAGE, ALAPPUZHA DISTRICT
PIN-689 505.**

BY ADV. SRI.V.PHILIP MATHEW

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VPV

P.N.RAVINDRAN & ANU SIVARAMAN, JJ.

L.A.A.No.632 of 2012

Dated this the 19th day of August, 2015

JUDGMENT

P.N.Ravindran, J.

A parcel of land, 1.18 Ares in extent, situate in R.S.No.247/11/2/1 of Mulakkuzha Village, Chengannur Taluk, Alappuzha District belonging to the respondent was acquired for widening Adoor-Chengannur road pursuant to a notification dated 1.10.2003 issued under section 4(1) of the Land Acquisition Act, 1894. By award passed on 7.1.2005, the Land Acquisition Officer awarded land value at the rate of Rs.38,841/- per Are. Possession of the acquired land was thereafter taken on 14.1.2005. Dissatisfied with the land value awarded by the Land Acquisition Officer as also the compensation awarded for the trees standing in the acquired land, the respondent/claimant received the compensation awarded by the Land Acquisition Officer under protest and sought a reference of the dispute regarding compensation to the civil court. A reference was accordingly made to the Court of the Subordinate Judge of Chengannur where it was taken on file and numbered as L.A.R.No.2 of 2010. The reference court after considering the rival contentions enhanced the land value to Rs.2,41,000/- per Are

relying on Ext.A2 judgment delivered on 31.3.2009 in L.A.R.No.51 of 2008. The reference court also awarded the sum of Rs.4,400/- as value of trees standing in the acquired lands. The State of Kerala has, aggrieved thereby, filed this appeal.

2. We heard Sri.R.Padmaraj, learned Senior Government Pleader appearing for the appellants and Sri.V.Philip Mathew, learned counsel appearing for the respondent. We have also gone through the pleadings and the materials on record. It is not in dispute that the lands involved in the instant appeal and the lands involved in Ext.A2 judgment in L.A.R.No.51 of 2008 are similarly situate. Both parcels of lands were acquired for widening the very same road. Ext.A2 judgment in L.A.R.No.51 of 2008 was subjected to challenge in this court by the appellants herein in L.A.A.No.615 of 2012. The said appeal was heard and dismissed by a Division Bench of this court by judgment delivered on 17.9.2014. In such circumstances, as the lands involved in the instant appeal and the lands involved in Ext.A2 judgment in L.A.R.No.51 of 2008 are similarly placed and the lands were acquired for widening the very same road and the two parcels of lands are also situate in close vicinity to each other, we find no reason to interfere with the enhancement of land value awarded by the reference court. As regards the enhanced compensation awarded for standing trees also, we are not persuaded to hold that the enhanced compensation

awarded by the reference court is exorbitant or excessive.

We accordingly hold that there is no merit in the instant appeal.
The appeal fails and is dismissed but without any order as to costs.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**ANU SIVARAMAN
JUDGE**

/true copy/

P.A. To Judge

vpv