

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

LA.App..No. 643 of 2012 ()

AGAINST THE ORDER/JUDGMENT IN LAR 287/2007 of II ADDL.SUB
COURT,TRIVANDRUM DATED 16-07-2008

APPELLANT(S) :

STATE OF KERALA
REP.BY DIST.COLLECTOR, THIRUVANANTHAPURAM

BY ADV.L.ALOYSIUS THOMAS,SENIOR GOVERNMENT PLEADER

RESPONDENT(S) :

1. R.PERUMAL
TC NO 24/209, SASTHA GARDENS, THYCAUD
THIRUVANANTHAPURAM-695001
2. RAJA LEKSHMI
TC NO 24/209, SASTHA GARDENS, THYCAUD
THIRUVANANTHAPURAM-695001
3. P.RAMA SUBBU
TC NO 24/209, SASTHA GARDENS, THYCAUD
THIRUVANANTHAPURAM-695001
4. P.RAMAKRISHNAN
TC NO 24/209, SASTHA GARDENS, THYCAUD
THIRUVANANTHAPURAM-695001
5. P.L.VENKIDESH
TC NO 24/209, SASTHA GARDENS, THYCAUD
THIRUVANANTHAPURAM-695001

6. P.RAMESH
TC NO 24/209, SASTHA GARDENS, THYCAUD
THIRUVANANTHAPURAM-695001

7. THE SECRETARY,
THIRUVANANTHAPURAM DEVELOPMENT AUTHORITY
THIRUVANANTHAPURAM, PIN-695001

R1-R6 BY ADV. SRI.LAL GEORGE
R3 BY ADV. SMT.M.J.INDUJA
R7 BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, TRIDA
R1-R6 BY ADV. SMT.LAKSHMI V.PARAMESWARAN

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR
ADMISSION ON 09-09-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

P.R.RAMACHANDRA MENON, J.

&

K.HARILAL, J.

L.A.A.NO.643 OF 2012

Dated this the 9th day of September, 2015

JUDGMENT

P.R.RAMACHANDRA MENON, J.

The appeal has been preferred by the State challenging the judgment and decree in LAR No. 287/07 on the file of Sub Court, Thiruvananthapuram mainly on the ground that the land value enhanced by the reference court is exorbitant and is liable to be set aside.

2. Heard the Government Pleader as well as the learned counsel appearing for the respondents/claimants.

3. The property having an extent of 3.78 Ares in Thycaud Village in Thiruvananthapuram Taluk, belonging to the claimants was acquired for widening of the road from Panavila junction to Thampanoor, pursuant to the notification under the Land Acquisition Act published on 30.09.2004. The award was passed by the Land Acquisition Officer fixing the land value @ Rs.2,47,000/- per Are, which on reference was enhanced by the reference court, refixing the land value as Rs.27,16,998/- per Are, placing reliance on Ext.A2 common judgment. It is stated that there is absolutely no rhyme or reason to have enhanced the land value to the said extent and hence the appeal.

4. During the course of hearing, it is brought to the notice of this Court that exactly similar issue in respect of the nearby land covered by the very same notification and

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forming the subject matter of LAR 297/07 of the IInd Additional Sub Court, Thiruvananthapuram was sought to be challenged by the State by filing LAR No.113/2013. After hearing both the sides and also considering the verdict passed in respect of the similar land covered by different judgments, the land value was re-fixed following the judgment in LAA No.2008/2008; thus refixing the land value to Rs.21,60,000 per Are. The learned counsel for the appellant submits that the matter has become final by virtue of the proceedings as aforesaid and that the same course could be pursued in this case as well.

5. In the above facts and circumstances, it is declared that the claimants are entitled to have the land value at Rs.21,60,000 per Are in respect of the land covered by LAR 297/07 of the IInd Additional Sub Court, Thiruvananthapuram, forming the subject matter of this

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appeal. Needless to say that the claimants are also entitled to have all statutory benefits in accordance with law.

The appeal stands disposed of as above.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

sd/-

K.HARILAL, JUDGE

sks

The following corrections are effected in the judgment dated 9.9.2015 in LAA No.643/2012, vide order dated 16.12.2015 in LAA 643/2012.

"LAR No.297/2007 occurring in the first sentence in the 5th paragraph, in page No.3 is corrected as "LAR No.287/2007" and the terms "LAR No.113/13" occurring in the 6th line of 4th paragraph, in page No.3 is corrected as"LAA No.113/13".

Sd/-

Registrar (Judicial)

