

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 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

LA.App..No. 701 of 2012 ()  
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AGAINST THE JUDGMENT IN LAR 181/2008 of II ADDL.SUB  
COURT, THIRUVANANTHAPURAM DATED 15-10-2008

APPELLANT/IST RESPONDENT:  
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THE STATE OF KERALA  
REPRESENTED BY THE DISTRICT COLLECTOR  
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENTS/CLAIMANT AND 2ND RESPONDENT:  
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1. MALLIKA  
D/O.CHELLAMMA, TC 39, 1523  
SURESH HOUSE, COSMOS NAGAR, ARYASALA  
MANACAUD VILLAGE, THIRUVANANTHAPURAM. 695 001.

2. THE SECRETARY  
TRIDA, THIRUVANANTHAPURAM. 695 001.

R2 BY ADV. SRI.M.RAJAGOPALAN NAIR  
R1 BY ADV. SRI.BASANT BALAJI

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD  
ON 14-01-2015 ALONG WITH L.A.A.NO.552/2013, THE COURT ON THE  
SAME DAY DELIVERED THE FOLLOWING:

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

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**L.A.A.Nos.701 OF 2012 &  
552 of 2013**  
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Dated this the 14<sup>th</sup> day of January, 2015

**JUDGMENT**

Ramachandran Nair, J.

These two appeals are filed by the State aggrieved by the judgment and decree in L.A.R.No.181/2008 and 138/2008 of the Sub Court, Thiruvananthapuram. The properties have been acquired for widening of L.M.S. Attakulangara Road for TRIDA namely the second respondent as per Section 4(1) notification dated 7.8.20004. The land acquisition officer awarded land value @ ₹2,97,521/- per Are which has been enhanced to ₹29,64,000/- by the reference court. The judgment of the reference court is a common judgment in several cases including the two cases from which these appeals have been filed here.

2. The learned Senior Government Pleader submitted that the enhancement granted by the reference court is totally excessive. It is submitted that this Court in connected matters has refixed the land

value at ₹12 lakhs per Are.

3. The learned counsel for the respondents submits that in L.A.A.No.1399/2009 this Court has adopted the land value at ₹17,50,000/- per Are. It is submitted that the said item of property is adjacent to the acquired property herein. It is also submitted that we had in our judgment in L.A.A.No.1250/2010 also adopted the same value namely at ₹17,50,000/- per Are.

4. The learned Senior Government Pleader submits that the properties involved in L.A.A.Nos.1399/2009 and 1250/2010 are on the opposite side of Hotel Luciya, whereas in this case there is no such evidence. The learned counsel for the respondents by reference to the Mahazer submits that as far as the property involved in L.A.A.No.701/2012 is concerned, it is only 65 cm. north of Attukulangara junction on the side of M.G.Road and the property involved in L.A.A.No.552/2013 is only 20 metres from the said junction. It is therefore submitted that both these items of properties are opposite to Hotel Luciya. We find force in the above submission.

The properties are in an important junction and therefore we are of the view that the land value awarded by this Court in L.A.A.Nos.1399/2009 and 1250/2012 can be adopted herein also.

Accordingly, the appeals are allowed. The land value of the acquired properties is refixed at ₹17,50,000/- per Are and the judgment of the reference court is modified to that extent and all other directions namely regarding statutory benefits are sustained. No costs.

**T.R.RAMACHANDRAN NAIR, JUDGE**

**P.V.ASHA, JUDGE**

SV.

