

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

LA.App..No. 743 of 2012 ()

AGAINST THE JUDGMENT IN LAR 230/2007 ON THE FILE OF THE THE II
ADDITIONAL SUB COURT,TRIVANDRUM DATED 30-01-2010

APPELLANT/CLAIMANT:

M.ANZAR

T.C. 36/102(1), AL FALAH HOUSE, ENCHAKKAL
VALLAKKADAVU P.O., THIRUVANANTHAPURAM.

BY ADVS.SRI.L.MOHANAN

SMT.LIGEY ANTONY

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM.

2. THE MANAGING DIRECTOR
KERALA STATE ROAD TRANSPORT CORPORATION
THIRUVANANTHAPURAM.

R2 BY ADV. SRI.P.C.CHACKO, SC, KERALA STATE ROAD TRANSPORT CORPN.
R BY GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

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

L.A.A.. No.743 of 2012

Dated this the 19th day of February 2015

JUDGMENT

Ramachandran Nair, J.,

This appeal is filed by the claimant in LAR No. 230/2007 on the file of the IInd Additional Sub Court, Thiruvananthapuram. An extent of 3.40 Ares belonging to the appellant was acquired, for the purpose of establishing K.S.R.T.C. Bus Terminal, at Enchackal, Thiruvananthapuram. The notification under Section 4 (1) was published on 31.3.2006. The property was categorised as A and the land value was fixed at Rs. 40,800/- per cent and the award was passed on 10.5.2006. The petitioner claimed land value at the rate of Rs. 10 lakh per cent. The reference court has fixed the land value at the rate of Rs. 70,000/- per cent.

2. Heard both sides. Learned counsel for the appellant submitted that, in the connected L.A.A.No. 344/2011, with regard to the very same acquisition, a Division Bench of this Court has re-fixed the land value at the rate of Rs. 12,36,000/- per Are. We have gone through the said judgment. Therein also under Section 4(1) the purpose of the acquisition is also the same. The notification under Section 4(1) is dated 14.1.2005.

3. In the light of the fact that various aspects have been considered by this Court by granting enhancement and the

properties are similar in nature, we find that the appellant is entitled to succeed in the appeal. The appeal is thus allowed. The land value for the acquired is refixed at Rs. 12,36,000/- per Are and the appellant will also be entitled to all the statutory benefits as granted by the trial court.

4. While condoning the delay in C.M.application No. 1044/2012 by order dated 2.7.2013, the Division Bench specified that if ultimately enhanced land value is granted for the period of 784 days delay, the appellant will not be entitled for the statutory benefits. We reiterate the same and the statutory benefits will be given subject to the above.

The parties will bear their respective costs in the appeal.

Sd/-

T.R.RAMACHANDRAN NAIR
(JUDGE)

Sd/-

P.V.ASHA
(JUDGE)

AL/-

True copy

P.A to Judge