

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 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

L.A.App..No. 751 of 2012 (C)

**(AGAINST THE JUDGMENT AND DECREE IN L.A.R NO. 252/2006 OF II ADDL.SUB
COURT, THIRUVANANTHAPURAM DATED 23-12-2010)**

APPELLANT(S)/1ST RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.**

BY SR. GOVERNMENT PLEADER, SRI. R.PADMARAJ

RESPONDENT(S)/CLAIMANTS & 2ND RESPONDENT :

- 1. DR.HEMALATHA,
TC 21/2170, HEMA SADAN, MADRASA LANE,
SASTHAMANGALAM, THIRUVANANTHAPURAM 695 010.**
- 2. UDAYA SREE THAMPY, TC 21/2170, HEMA SADAN, MADRASA LANE,
SASTHAMANGALAM, THIRUVANANTHAPURAM 695 010.**
- 3. THE SECRETARY, TRIDA, THIRUVANANTHAPURAM 695 001.**

**R1 BY ADVS. SRI.B.ASHOK KUMAR
SRI.C.M.PRADEEP KUMAR
SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL
R3 BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, TRIDA.**

**THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.T.O.

St/-

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

L.A.A No.751 of 2012

Dated this the 4th day of February, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed from the judgment and decree in L.A.R No.252/2006 of the II Additional Sub Court, Thiruvananthapuram. An extent of 0.06 Ares of land in Survey No.1365/1 of Vanchiyoor Village in Thiruvananthapuram Taluk was acquired for the purpose of widening the LMS - Attakulangara Road for the 2nd Respondent, as per notification under Section 4(1) dated 07.08.2004. The Land Acquisition Officer fixed the land value at Rs.4,52,833/- per Are.

2. The Reference Court has granted the enhanced land value at Rs.24,70,000/- per Are.

3. Heard both sides.

4. The learned Senior Government Pleader relied upon the judgment in L.A.A No.77/2013 and contended that the land value fixed by the court below at Rs.24,70,000/- is on the higher side. It is further submitted that in L.A.A No.322/2011,

wherein also the acquisition was for the same purpose, this Court re-fixed the land value.

5. In the light of the fact that we have re-fixed the land value in L.A.A No.77/2013 at Rs.24 Lakhs and since the properties are similar in nature, the same yardstick has to be adopted. Accordingly, we re-fix the land value at Rs.24,00,000/- per Are.

The appeal is accordingly allowed. No costs.

Sd/-
T.R.RAMACHANDRAN NAIR
JUDGE

Sd/-
P.V.ASHA
JUDGE

//true copy//

P.S. To Judge

St/-