

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. 759 of 2012 (D)

**(AGAINST THE JUDGMENT AND DECREE IN L.A.R NO.104/2007 of II ADDL.SUB COURT,
THIRUVANANTHAPURAM DATED 09-04-2012)**

APPELLANT(S)/CLAIMANTS :

- 1. S. GANESAN,
S/O. MONIAN, T.C.25/2134, PARADISE BUNGLOW,
MANJALIKULAM ROAD, VANCHIYOOR VILLAGE,
THIRUVANANTHAPURAM,
(POWER OF ATTORNEY HOLDER OF APPELLANTS 2 TO 4)**
- 2. MEENA GANESH,
W/O.GANESH , T.C.25/2134, PARADISE BUNGLOW,
MANJALIKULAM ROAD, VANCHIYOOR VILLAGE,
THIRUVANANTHAPURAM.**
- 3. GAUTHAM G. SUBRAMANYAM,
T.C.25/2134, PARADISE BUNGLOW, MANJALIKULAM ROAD,
VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM.**
- 4. ARJUN G. NAGARAJAN,
T.C.25/2134, PARADISE BUNGLOW, MANJALIKULAM ROAD,
VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.D.AJITHKUMAR

RESPONDENT(S)/RESPONDENT:

- 1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE SECRETARY,
TRIDA, THIRUVANANTHAPURAM - 695 001.**

**R1 BY SR. GOVERNMENT PLEADER, SRI. R.PADMARAJ
R2 BY ADV. SRI.K.A.JALEEL, SC., TRIDA**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.T.O.

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

L.A.A No.759 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.104/2007 on the file of the II Additional Sub Court, Thiruvananthapuram. The property has been acquired for the purpose of widening of LMS-Attakulangara Road for TRIDA and the notification was published on 07.08.2004. As against the land value fixed at Rs.4,11,665/- per Are, the Court below has enhanced the same to Rs.24,00,000/-. The claimants are claiming at the rate of Rs.28 lakhs per Are.

2. The learned Senior Government Pleader has relied upon various judgments of this Court, including our judgment in L.A.A No.77/2013. Therein, the notification under Sec. 4(1) is dated 07.08.2004 and the land value fixed by the Land Acquisition Officer was at the rate of Rs.4,11,665/- per Are. We had relied upon the judgment in L.A.A. No.2008/2008 whereby this Court had fixed the land value at Rs.24,00,000/- and accordingly we had re-fixed the land value to

Rs.24,00,000/- in L.A.A No.77/2013.

3. The learned counsel for the appellants therefore seeks permission to withdraw the appeal. It is prayed that the court fee may be allowed to be refunded. We dismiss the appeal as not pressed and therefore half of the amount of court fee will be refunded to the appellants.

It is submitted that the appellants 1 and 3 are out of station and they may be allowed to give due authorization to the other appellants to collect the cheque for refund of court fee. We permit the same.

Sd/-
T.R.RAMACHANDRAN NAIR
JUDGE

Sd/-
P.V.ASHA
JUDGE

//true copy//

P.S. To Judge

St/-