

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA**

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

LA.App..No.771 of 2012 (C)

**AGAINST THE JUDGMENT IN LAR 47/2008 of II ADDL.SUB COURT, TRIVANDRUM
DATED 05-08-2008**

CROSS OBJECTOR/ CLAIMANT

**1. G.NANDARAJAN,
S/O LATE M.P. GOVINDAN, HOUSE NO 120, M.G NAGAR
KILIMOLLOOR, KOLLAM**

BY ADV. SRI.BASANT BALAJI

RESPONDENTS :

**1. STATE OF KERALA REP. BY
THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM - 695 001**

**2. THE SECRETARY,
TRIDA, THIRUVANANTHAPURAM
PIN - 695 001**

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

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

VS

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

**L.A.A.No.771 of 2012
& C.O.No.37/2015**

Dated this the 9th day of March, 2015

JUDGMENT

T.R.RAMACHANDRAN NAIR, J.

The appeal is filed by the State, aggrieved by the judgment and decree in L.A.R.No.47/2008 of the II Additional Subordinate Court, Thiruvananthapuram. The claimant has filed the cross objection seeking enhancement of the land value further.

2. The property was acquired for the purpose of widening of road from Thampanoor-Over bridge by TRIDA as per Section 4(1) notification dated 30.9.2004. The Land Acquisition Officer fixed the land value at the rate of Rs.3,39,625/- per Are, which stand enhanced by the reference court to Rs.28,00,000/- per are. The main contention raised by the learned Senior Government Pleader is that, the enhancement is excessive. In the cross objection, the claimant claims the land value at the rate of

Rs.28,00,000/- and the court fee has been paid accordingly.

3. The land acquired comes within reach No.4, namely from Thampanoor to Over bridge. In a similar matter, in L.A.A.Nos.357/12, 815/12 and 821/12, wherein the land comes within similar category, this Court has fixed the land value at Rs.29,00,000/-. The reference court herein has enhanced land value only to Rs.28,00,000/-.

4. In that view of the matter, and in the light of the judgments in the above land acquisition cases which will be relevant, we dismiss L.A.A.No.771/12 and allow Cross Objection No.37/15 and the claimant is entitled for the enhanced land value at the rate of Rs.29,00,000/- per Are, instead of Rs.28,00,000/- granted by the reference court and he will also be entitled to all the statutory benefits granted by the reference court.

Sd/-

T.R.RAMACHANDRAN NAIR, JUDGE

Sd/-

P.V.ASHA, JUDGE

vs