

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 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

LA.App..No. 772 of 2012 (C)

AGAINST THEJUDGMENT IN LAR 227/2007 of II ADDL.SUB COURT,TRIVANDRUM
DATED 09-02-2010

APPELLANT/CLAIMANT:

NARENDRA
S/O.VENU NAIR SANTHI BHAVAN MULAKKAL MACHEL
(PO), PALLICHAL VILLAGE THIRUVANANTHAPURAM

BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR THIRUVANANTHAPURAM

2. THE SECRETARY, TRIDA, THIRUVANANTHAPURAM

R2 BY ADV. SRI.K.A.JALEEL, SC., TRIDA
R1 BY GOVERNMENT PLEADER SMT.P.A.REZIYA

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

L.A.A.No.772 OF 2012

Dated this the 2nd day of March, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment and decree in L.A.R.No.227/2007 of the II Additional Sub Court, Thiruvananthapuram. The extent acquired is 0.30 Ares of land comprised in Sy.No.11/80 in Block No.26B of Sasthamangalam village. This was acquired for the purpose of widening students Centre-LMS Vellayambalam-Sasthamangalam public road. The notification under Section 4(1) of the Act was published on 3.2.2005. The land acquisition officer awarded land value @ Rs.3,37,155/- per Are which was enhanced by the reference court to Rs.12 lakhs. The appellant is claiming enhancement at Rs.17 lakhs per Are.

2. Heard the learned counsel on both sides.

3. It is brought to our notice that this Court in L.A.A.Nos.387/2011 and 537/2011 by separate judgments has granted

land value @ Rs.17 lakhs per Are. They are from L.A.R.No.373/2007 of the very same court. We have gone through the judgment. Therein this Court has refixed the land value at Rs.17 lakhs per Are.

There was a delay of 570 days in filing the appeal, which this Court has condoned by order dated 2/2/2015 in C.M.Appln.No.1068/2012 on condition that the appellant will not be entitled for interest under Section 28 for the above period, if ultimately the appeal is allowed. We reiterate the same. We, therefore, allow the appeal and the value of the acquired property is refixed at Rs.17 lakhs per Are. The appellant will be entitled to all statutory benefits as granted by the reference court subject to the above direction. The parties will suffer their costs in the appeal.

T.R.RAMACHANDRAN NAIR, JUDGE

P.VASHA, JUDGE

SV.