

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 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

LA.App..No. 783 of 2012 ()

AGAINST THE JUDGMENT IN LAR 236/2006 of II ADDL.SUB
COURT, THIRUVANANTHAPURAM DATED 21-11-2009

APPELLANT/1ST RESPONDENT:

STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENTS/CLAIMANT & 2ND RESPONDENT :

1. MUKESH KUMAR DHOOT
MANAGING DIRECTOR, M/S.AKASHDEEP, ADASHDEEP BUILDING
M.G.ROAD, THIRUVANANTHAPURAM.695023

2. THE SECRETARY TRIDA
THIRUVANANTHAPURAM.695023

R2 BY ADV. SRI.K.A.JALEEL, SC., TRIDA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

L.A.A.No.783 OF 2012

Dated this the 29th day of January, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed from the judgment in L.A.R.No.236/2006 of the II Additional Sub Court, Thiruvananthapuram. An extent of 0.27 Ares of land comprised in Sy.No.2797/1-1 of Vanchiyoor village was acquired for the widening of LMS-Attakulangara road for the second respondent. The notification under Section 4(1) is dated 02.08.2005. The land acquisition officer awarded land value @ ₹4,11,665/- per Are which has been enhanced to ₹24,70,000/- per Are by the reference court. The learned Government Pleader points out that this Court in L.A.A.No.514/2011, which is in relation to acquisition for the same purpose and in respect of the property in the same village, has refixed land value at ₹24 lakhs per Are. Therefore it is prayed that the appeal may be allowed adopting the land value covered by the said judgment.

2. We find from the judgment that the court below relied upon

Ext.A1 judgment in L.A.R.No.3/1999.

3. In the judgment in L.A.A.No.514/2011, this Court refixed the land value at ₹24 lakhs. Reference was made therein to the judgment in L.A.A.No.288/2008 and Cross Objection No.12/2008. Since the acquisition is for the same purpose, we find that the said fixation can be accepted herein also. Accordingly, we allow the appeal and refix the land value of the acquired property herein at ₹24 lakhs per Are. The parties will bear their costs.

T.R.RAMACHANDRAN NAIR, JUDGE

P.V.ASHA, JUDGE

SV.

