

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

LA.App..No. 795 of 2012 (C)

AGAINST THE JUDGMENT IN LAR 52/2010 of SUB COURT, THODUPUZHA DATED
21-02-2012

APPELLANTS/RESPONDENTS NO.1 & 2 :

1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI.

2. THE EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT,
ROADS DIVISION, PAINAVU, IDUKKI

BY GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENT/CLAIMANT:

RAJENDRAN
S/O.BHARGAVAN, THOTTAYIL, VANNAPPUAM - 695 606.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

L.A.A.No.795 OF 2012

Dated this the 23rd day of July, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment and decree in L.A.R.No.52/2010 on the file of the Sub Court, Thodupuzha. Even though notice has been served on the respondents, there is no appearance.

2. We heard the learned Senior Government Pleader for the State.

3. The acquisition is for the purpose of approach road to Irrukkumpuzha bridge and the land acquired is having an extent of 0.0006 hectares comprised in Sy.No.320/1-7 of Thodupuzha village. The notification under Section 4(1) was published on 24.10.2008 and the land was included in Group III by the land acquisition officer by fixing the land value at ₹73,400/- per Are. The same

has been enhanced by the reference court to ₹1,90,000/- per Are.

4. The judgment of the reference court shows that both sides have adduced evidence and the reference court had occasion to rely upon Ext.A1, which is the certified copy of the judgment in L.A.R.No.45/2010. The property in that case also included in group III by the land acquisition officer and the reference court fixed the land value at ₹1,90,000/- per Are.

5. We had the advantage of referring to the judgment of this Court in L.A.A.No.348/2012 which is from L.A.R.No.13/2010. The reference court had granted enhancement at the same rate and the appeal stands dismissed by the judgment of the Division Bench dated 29.06.2012.

6. In the light of the fact that the land value as granted by the reference court has been upheld by this court in the said case and since properties are said to be similar and since the acquisition is for the same purpose, we will be justified in relying upon the

said judgment. Therefore, there is no scope for interference in this appeal. Accordingly, the appeal is dismissed. There will be no order as to costs.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH, JUDGE

SV.