

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

LA.App..No. 832 of 2012 (C)

AGAINST THE ORDER/JUDGMENT IN LAR 166/2008 of II ADDL.SUB
COURT,TRIVANDRUM DATED 06-02-2009

APPELLANT/ RESPONDENT :

STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM

BY ADVS.ADVOCATE GENERAL
GOVERNMENT PLEADER

RESPONDENTS/CLAIMANT AND 2ND RESPONDENT:

1. MOHAN
S/O S. CHIDAMBARAM PILLAI, MANORAMA ROAD, THAMPANOOR
THIRUVANANTHAPURAM, NOW RESIDING AT TC 29/264(C)
GAANAM, THENGAPPURALAND, PETTAH
THIRUVANANTHAPURAM 24 FROM TC 25/357
EAST THAMPANOOR, THIRUVANANTHAPURAM 695024
2. LATHA,
MANORAMA RAOD, THAMPANOOR, THIRUVANANTHAPURAM
NOW RESIDING AT TC 29/26(C), GAANAM, THENGAPPURALAND
PETTAH, THIRUVANANTHAPURAM 24 FROM TC 25/357, EAST
THAMPANOOR, THIRUVANANTHAPURAM 695024
3. THE SECRETARY.
THIRUVANANTHAPURAM DEVELOPOMENT AUTHORITY
THIRUVANANTHAPURAM 695001

R3 BY ADV. SRI.K.A.JALEEL, SC., TRIDA
R1-R2 BY ADV. SRI.MILLU DANDAPANI

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

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L.A.A.No.832 of 2012

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Dated this the 6th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the State, aggrieved by the enhancement of land value made by the reference court.

2. This appeal is from the judgment and decree in LAR No.166/2008 of the II Additional Sub court, Thiruvananthapuram. The property is acquired for widening of road from Museum to Thampanoor by Trivandrum Development Authority. The notification under Section 4(1) was published on 30.09.2004 and the Land Acquisition Officer fixed the land value at the rate of ₹2,47,000/- per Are. The reference court has granted enhancement to ₹30 lakhs.

3. The learned Government Pleader relied upon judgment of this Court in LAA No.262 of 2009 in which this Court re-fixed the land value to ₹21,38,390/-.

4. The learned counsel for the claimants relied upon another judgment of this Court in LAA No.838 of 2009, wherein

the land value was fixed by the Land Acquisition Officer at ₹2,44,560/- per Are. Even though the reference court fixed the land value to ₹30 lakhs per Are, this Court re-fixed the same to ₹21,60,000/- per Are.

We prefer to follow the judgment in LAA 838/2009, in view of the potentiality and importance of the locality as discussed in paragraph 24 of the judgment. Accordingly, the land value in respect of the property herein is re-fixed at ₹21,60,000/- per Are and the appeal is allowed to that extent. The parties will suffer their costs in the appeal.

T. R. Ramachandran Nair, Judge

P.V. Asha, Judge

sj