

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

LA.App..No. 853 of 2012 (C)

AGAINST THE JUDGMENT IN LAR 704/2009 of II ADDL.SUB
COURT, THIRUVANANTHAPURAM DATED 25-02-2012

APPELLANT/ RESPONDENT :

STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM

BY GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT:

1. MOHANACHANDRAN.K
T.CD 4/846, KRISHNA KOWDIAR P.O
THIRUVANANTHAPURAM 695001

2. PADMAJA,
W/O MOHANACHANDRAN K. T.C 4/846, KRISHNA KOWDIAR P.O
THIRUVANANTHAPURAM 695001

3. THE SECRETARY,
TRIDA, THIRUVANANTHAPURAM 695001

R3 BY ADV. SRI.K.A.JALEEL, SC., TRIDA
R1,R2 BY ADV. SRI.GOPAKUMAR R.THALIYAL
R1,R2 BY ADV. SRI.A.CHANDRA BABU
R3 BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, TRIDA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
24-03-2015 ALONG WITH LAA NOS.69, 104, 197, 432,452,587 of 2013,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

**L.A.A.Nos.853 OF 2012 &
69, 104, 197,, 432, 452, 587 OF 2013**

Dated this the 24th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

These appeals arise from the judgments and decrees of the reference court in L.A.R.Nos.704/2009, 522/2009, 744/2008, 483/2008, 564/2008, 548/2008 and 524/2009. The State has come up in appeal. The notification under Section 4(1) in L.A.No.69/2013 is dated 11.6.2007. The land acquisition officer fixed land value @ ₹5,84,054/- per Are which has been enhanced by the reference court to ₹22 lakhs.

2. In L.A.A.No.452/2013, the notification under Section 4(1) is dated 2/12/2007 and the land value fixed by the land acquisition officer is at the same rate and the enhancement granted by the reference court is at ₹22 lakhs. In L.A.A.No.853/2012, the notification under Section 4(1) is dated 11/6/2007. The land value fixed by the land

acquisition officer is at the same rate and the market value fixed by the reference court is at ₹22 lakhs per Are. In L.A.A.No.197/2013, the notification under Section 4(1) has been published on 11/06/2007. The land value fixed by the land acquisition officer is at the same rate and the reference court has refixed the land value at ₹22 lakhs.

3. In L.A.A.No.432/2013, the notification under Section 4(1) was published on 11.6.2007. The land value fixed by the land acquisition is at the same rate and the reference court also refixed the land value at ₹22 lakhs. In L.A.A.No.104/2013 also, the particulars are the same. In L.A.A.No.587/2013, the notification under Section 4 (1) was published on 29/12/2007. The land value awarded by the land acquisition officer and the reference court are at the same rate.

4. We heard the learned Senior Government Pleader for the appellant and the learned counsel appearing for the respective parties.

5. In fact in L.A.A.No.135/2013 which arose from the decree and judgment in L.A.R.No.507/2009 of the same court, this Court considered identical issues. Therein also, the acquisition was for the

same purpose, namely for widening of Kowdiar-Peroorkkada-Vazhayila road and the notification under Section 4(1) is dated 11.6.2007. The land value awarded by the land acquisition officer is @ ₹5,84,054/- per Are which was enhanced to ₹ 22 lakhs by the reference court.

This Court in the said judgment had relied upon the judgment in L.A.A.No.1063/2010 and found that there is no scope for inference of the impugned judgment of the reference court. Accordingly, all the appeals are dismissed. The land value fixed at ₹22 lakhs is confirmed. This will not prejudice the right of any of the respondents in filing of separate appeals. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE

P.VASHA, JUDGE

SV.