

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. 856 of 2012 (D)

AGAINST THE ORDER/JUDGMENT IN LAR 79/2010 of SUB COURT,THODUPUZHA DATED
04-08-2012
APPELLANT(S)/RESPONDENTS 1 AND 2:

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

2. THE EXECUTIVE ENGINEER,
P.W.D. ROADS DIVISION, IDUKKI.

BY SR.GOVERNMENT PLEADER SHRI R. PADMARAJ

RESPONDENT(S)/CLAIMANT AND RESPONDENT NO.3:-:

1. JACOB
S/O.JOSEPH, KUTTIKKATTIL HOUSE, MANAKKAD - 685 584.

2. THE SECRETARY,
SERVICE CO-OPERATIVE BANK NO.969
THODUPUZHA - 685 584.

R1 BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)
R1 BY ADV. SRI.THOMAS JAMES MUNDACKAL
R1 BY ADV. SRI.BOBBOY THOMAS
R1 BY ADV. SRI.ARUN ANTONY

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.856 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.79/2010 on the file of the Sub Court, Thodupuzha. The extent of land involved is 0.0007 hectares comprised in Sy. No.797/2-6 of Manakkadu Village which was acquired for the approach road to Irrukkumpuzha Bridge as per Section 4(1) notification dated 24.10.2008. The Land Acquisition Officer awarded land value at the rate of Rs.62,390/- per are. The property was categorised into category IV and the reference court enhanced the land value to Rs.1,61,500/- per are.

2. Heard both sides.

3. Before the reference court, the claimant was examined as A.W.1 and Exts.A1 to A3 have been marked. Ext.A3 is the certified copy of the judgment in LAR No.26/2010. The respondents have marked in evidence Exts.R1 to R3.

4. The reference court found that the properties in Ext.A3 judgment and the property herein were acquired for the same purpose and they are similarly situated. Accordingly, the land value fixed therein was adopted.

5. It is seen from the judgment in LAA No.800/2012 which was from LAR No.65/010 that the value fixed by the reference court at the same rate was confirmed by this Court, by dismissing the appeal. We have gone through the said judgment. This Court had also noticed that the appeals filed against the judgment in LAR Nos.11/2010 and 13/2010 have been dismissed by this Court.

6. In the light of the fact that the land value fixed as now in this case has been confirmed in the connected appeal, as noted already and as the properties are of similar nature, we find no reason to interfere with the judgment and accordingly, the appeal is dismissed without any order as to costs.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(K.P. JYOTHINDRANATH,, JUDGE.)

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