

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.B.SURESH KUMAR

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

LA.App..No.15 of 2015 (C)

**(JUDGMENT AND DECREE DATED 29-07-2014 IN LAR 158/2007 of SUB COURT,
KOTTARAKKARA).**

APPELLANT/RESPONDENT IN L.A.R:

**STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
KOLLAM.**

BY GOVT. PLEADER SRI.EGGY ELIAS.

RESPONDENT/CLAIMANT:

**LATHAKUMARI,KULANGARA VEEDU,
MURUKKUMON MURI,NILAMEL VILLAGE,
KOTTARAKKARA - 691 535.**

**BY SRI.S.V.BALAKRISHNA IYER (SENIOR ADVOCATE)
ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

P.B.SURESH KUMAR, J.

L.A.A.No.15 of 2015

Dated this the 11th day of June, 2015

JUDGMENT

The judgment in LAR No.158 of 2007 on the file of the Sub Court, Kottarakkara is under challenge in this appeal.

2. An extent of 1.38 Ares of land in Sy.No.309/6-3 of Nilamel Village was acquired for the development of M.C Road. The notification for the said acquisition under Section 4(1) of the Land Acquisition Act was published on 24-10-2002. The acquired land consisted of reclaimed land as also wet land. Out of the 1.38 Ares, 0.30 Ares was reclaimed land and the balance 1.08 Ares was wet land. For the reclaimed land, the Land Acquisition Officer fixed land value at the rate of Rs.24,240/- per are and for the wet land, the Land Acquisition Officer fixed the land value at the rate of Rs.6,519/- per Are. The reference court, on an appraisal of

materials on record, enhanced the land value of the reclaimed land to Rs.45,016/- per Are and the wet land to Rs.22,508/- per Are. The State is challenging in this appeal the enhancement granted by the reference court for the wet land.

3. As noticed above, the land was acquired for the widening of one of the oldest roads in the State viz. M.C Road. Section 4(1) notification of the acquisition was published only on 24.10.2002. The reference court deputed an Advocate Commissioner to conduct a local inspection and report as to the nature and lie of the acquired land, its importance etc. The Commissioner appointed by the Court reported that the acquired land is situated on the side of M.C Road at Murukkumon junction which is hardly 1.8 kms away from Nilamel Junction. The Commissioner also reported that there are various shops adjacent to the acquired land. The Commissioner further reported that

Murukkumon junction is a junction where two roads join the M.C Road. It is seen that having regard to the said facts, the reference court enhanced the land value fixed by the Land Acquisition Officer in the aforesaid manner. It is also seen that a batch of Land Acquisition Reference cases pertaining to the lands acquired for the very same purpose were disposed of by the common judgment impugned in this appeal. It is conceded by the learned Government Pleader that appeals are not preferred against the judgments in the remaining cases disposed of as per the common judgment.

In the circumstances, I do not find any merit in this appeal and the same is accordingly, dismissed *in limine*. All the interlocutory applications in the appeal are closed.

P.B.SURESH KUMAR, JUDGE.

smm