

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

LA.App..No. 50 of 2015 ()

AGAINST THE JUDGMENT & DECREE IN LAR 569/2008 of II ADDL.SUB
COURT,TRIVANDRUM DATED 30-09-2011

APPELLANT/CLAIMANT:

P.S.CHANDRASEKHARAN NAIR
VILAMGARATHALA VEEDU, NALANCHIRA P.O.
THIRUVANANTHAPURAM.

BY ADV. SRI.RAJESH P.NAIR

RESPONDENT (S) /RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM-695 001.

2. THE SECRETARY,
TRIDA, THIRUVANANTHAPURAM-695 001.

R1 BY SENIOR GOVERNMENT PLEADER SHRI R.PADMARAJ
R2 BY ADV. SRI.K.A.JALEEL, SC., TRIDA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

L.A.A No.50 of 2015

Dated this the 30th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment and decree in L.A.R No.569 of 2008 of the IInd Additional Sub Court, Thiruvananthapuram. At the outset the learned counsel for the appellant submitted that in the light of the judgment of the Division Bench of this Court in L.A.A No.1 of 2011, the appellant is entitled for grant of enhanced land value @ Rs.17 lakhs per Are.

2. The acquisition herein is for the purpose of widening of Enchakkal-Sreevaraham-Attakulangara road for TRIDA. The Land Acquisition Officer fixed the land value at Rs.2,47,000/- per Are and the reference court enhanced the land value to Rs.11 lakhs per Are.

3. We have gone through the judgment in L.A.A No.1 of 2007 and we also heard the learned Senior Government Pleader for the 1st respondent. In L.A.A No.1/2011 also, notification was published on 30.10.2004 as in this case. Since the acquisition is

for the very same purpose and the properties are also similar, the said land value can be adopted.

4. Accordingly, we allow the appeal and fix the land value @ Rs.17 lakhs per Are. The appellant is also entitled for all the statutory benefits granted by the reference court.

There was a delay of 1017 days in filing this appeal, which was condoned by order in C.M.Appl.No.38/2015 on condition that the appellant will not be entitled for interest for the period covered by the delay under Section 28 of the Act. We reiterate the same and the grant of statutory benefits will be subject to the above direction. There will be no order as to costs in the appeal.

Sd/-
T.R.RAMACHANDRAN NAIR
Judge

Sd/-
P.VASHA
Judge

rtr/

/true copy/

P.S to Judge