IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

LA.App..No. 77 of 2015 ()

(AGAINST THE ORDER/JUDGMENT IN LAR 903/2009 of
II ADDL.SUB COURT,TRIVANDRUM DATED 24-02-2014)

APPELLANT/ FIRST RESPONDENT IN LAR:

STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM.

BY ADVS.GOVERNMENT PLEADER
ADVOCATE GENERAL

RESPONDENTS/CLAIMANT AND SECOND RESPONDENT IN LAR:
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1. LATHA
W/O.SUNDARAM, T.C.NO.28/1519(5), PARUTHIKAUDE VEEDU
THAKARAPARAMBU, PUNNAPURAM, THIRUVANANTHAPURAM.

2. THE SECRETARY
TRIDA, THIRUVANANTHAPURAM-695001.

R2 BY ADV. SRI.K.A.JALEEL, SC., TRIDA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 14-12-201 ALONG WITH L.A.A.No.140 OF 2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON
&
ANIL K. NARENDRAN, JJ.

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L.A. APPEAL Nos. 77, 140, 206,
377, 391, 397, 409, 467, 588 &
602 OF 2015

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Dated this the 14th December, 2015

JUDGMENT

P.R. Ramachandra Menon, J.

These appeals have been filed being aggrieved of the judgment and decree passed by the II Addl. Sub Court, Thiruvananthapuram in the concerned Land Acquisition Reference cases. The properties were acquired pursuant to Section 4(1) notification dated 21.11.2007. The Land Acquisition Officer fixed the land value at Rs.444867 per Are (except in LAR No.903 of 2009 where the land value was fixed at Rs.444600/-), which was enhanced by the Reference Court to Rs.2750000/- per Are. The contention raised is that the basic judgment relied on by the Reference Court in LA.A.No.353 of 2012 was in respect of acquisition pursuant to Section 4(1) notification dated 24.04.2008, which was 'five months' later to the date of similar notification involved in the present case. It is in the said circumstance, that appropriate extent of deduction is sought for, which according to the appellant comes to 5% less than the value fixed in LA.A. 353 of 2012, equal to Rs.26,12,500/- per Are.

2. During the course of hearing, it is brought to the notice of this Court that exactly similar appeals had come up for consideration before this Court including by way of L.A.A.No.556 of 2014. It is also brought to the notice of this Court by the learned Counsel for the claimant that the idea and understanding of the State/appellant as to the date of the notification is quite wrong and that the date of Section 4(1) notification involved in LA.A. 353 of 2012 was also of the same i.e. '21.11.2007'. The matter was considered in detail by this Court and after threadbare analysis of the facts and figures, interference was declined and the appeals were dismissed as per the judgment dated 09.12.2015.

In the above circumstance, this Court finds that no deviation is possible in these appeals. Interference is declined and all these appeals are dismissed accordingly.

P.R. RAMACHANDRA MENON,
JUDGE

ANIL K. NARENDRAN,
JUDGE

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