

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 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

LA.App..No. 112 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN LAR 57/2007 ON THE FILE OF THE
ADDITIONAL SUB COURT, THIRUVANANTHAPURAM DATED 15.7.2008.

APPELLANT/CLAIMANT IN LAR NO.57/07:

BALARAJAN, GEETHA BHAVAN,
KULATHINKARA, PAPPAD, NETTAYAM
THIRUVANANTHAPURAM.

BY ADVS.SRI.LAL GEORGE
SMT.M.J.INDUJA

RESPONDENTS/RESPONDENTS IN LAR NO.57/07:

1. STATE OF KERALA & OTHERS
REPRESENTED BY THE DISTRICT COLLECTOR
KUDAPANAKKUNNU.P.O, THIRUVANANTHAPURAM - 695 001.

2. CHIEF CONSTRUCTION ENGINEER,
CIVIL ENGINEERING DIVISION DEPARTMENT
KUDAPPANAKKUNNU.P.O, OF SPACE
THIRUVANANTHAPURAM - 695 001.

R1 BY ADV. GOVERNMENT PLEADER SRI.R.PADMARAJ.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

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

L.A.A. No.112 of 2015

Dated this the 6th day of April 2015

JUDGMENT

Ramachandran Nair , J.,

This appeal is filed from the judgment and decree in L.A.R.No. 57 of 2007 on the file of the IInd Additional Sub Court, Thiruvananthapuram. The land was acquired for expansion programme of ISRO. The notification under Section 4(1) was published on 22.4.2004. The land was categorised as 'G' . The land value fixed by the Land Acquisition Officer is at the rate of Rs. 17923/- per Are which was enhanced to Rs. 32,500/- by the reference court. The claim is at the rate of Rs. 2,09,828.61 per Are. As far as the property under 'G' category is concerned, in our judgment in L.A.A.407/2013, we have considered various aspects. We have refixed the market value as far as the said category is concerned, at Rs.2,09,828.61 per Are by relying upon the judgment in L.A.A. 540/2012.

2. In that view of the matter, as the properties are similar and were acquired for the same purpose and by same notification, the said value can be adopted in this case also.

3. Accordingly, we allow the appeal and refix the land value for the acquired property at Rs. 2,09,828.61 per Are and the claimants will be entitled to all the statutory benefits as already granted by the reference court.

4. This appeal was filed with a petition to condone the delay of 760 days. It was condoned by this Court. We are of the view that for the above period, the claimants will not be entitled to interest under Section 28 of the Land Acquisition Act.

The parties will suffer their costs in the appeal.

Sd/-

**T.R.RAMACHANDRAN NAIR
(JUDGE)**

**Sd/-
P.V.ASHA
(JUDGE)**

AL/-

True copy

P.A to Judge