

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 30TH DAY OF OCTOBER 2015 / 8TH KARTHIKA, 1937

LA.App..No.180 of 2015

AGAINST THE ORDER/JUDGMENT IN LAR 3/2011 of ADDL.SUB COURT,
NORTH PARAVUR DATED 06-08-2012

APPELLANT/1ST RESPONDENT IN L.A.R.:

STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM.

BY SR.GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN LAR:

1. ABDUL KAREEM,
S/O.KUNJUMOIDEEN, PALLATHUKADAVIL, THURAVUMKARA-683101.
2. THE COMMANDER,
COAST GUARD, KOCHI-682001.

R2 BY ADV. SRI.B.PREM KUMAR, CGC
R1 BY ADV. SRI.C.P.WILLSON

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

L.A.A.No.180 of 2015

Dated this the 30th day of October, 2015

JUDGMENT

Ramachandra Menon, J.

This appeal has been preferred by the State being aggrieved by the judgment and decree dated 6.8.2012 in L.A.R.No.3/2011 of the Additional Sub Court, North Paravur.

2. Acquisition pertains to property having an extent of 78.53 Ares in Re.Survey No.121/6 in Chowara Village of Aluva Taluk in Ernakulam District. It was for construction of AIR Enclave for the Coast Guard and under Section 4 (1) notification was issued on 31.8.2009. After considering the relevant aspects the Land Acquisition Officer fixed the land value as ₹2,59,746/- per Are. Placing reliance on Ext.A2 judgment passed by this Court in L.A.A.No.762 of 2011 granting much enhancement over and above the compensation awarded by the reference court the land value was fixed by the reference court in the instant case as ₹8,30,000/- per Are. This is stated as exorbitant and hence under challenge in the appeal.

3. Heard the learned Senior Government Pleader appearing for the appellant, learned counsel appearing for the 1st respondent/claimant and the learned Central Government Standing Counsel appearing for the 2nd respondent.

4. The grounds raised in the appeal are as given below:-

- A. The reference court ought to have considered that the land value reflected in Exhibit A2 judgment is not in consonance with the prevailing land value in the locality at the time of 4(1) notification.
- B. Exhibit A2 judgment in LAA 762/11 dated 04.04.2012 which is now under challenge in the review petition filed by the State.
- C. The reference Court ought to have considered that the claimant could not produce any document of title in support of the enhanced land value.
- D. All other cases with regard to the same acquisition are under challenge.

5. From the above, it is seen that the case has been moulded by the appellant State with reference to the filing of a

Review Petition against the judgment in L.A.A.No.762 of 2011 and was contending that the matter had not become final. During the course of hearing, it is brought to the notice of this Court the Review Petition filed by the petitioner has already been dismissed. It is however stated that further steps are being taken to pursue the matter further. The property involved herein is in respect of category No.1 and since no other ground is raised in the appeal but for reference to the pendency of the Review Petition against the verdict in L.A.A.No.762 of 2011 and further since it is now affirmed that the Review Petition stands dismissed, this appeal cannot have any more independent existence. In the said circumstances, this appeal is dismissed in terms of the judgment passed by this Court in L.A.A.No.762 of 2011.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

Sd/-

ANIL K.NARENDRA, JUDGE

skj