

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

LA.App..No. 182 of 2015 ()

AGAINST THE JUDGMENT AND DECREE DATED 31.07.2013 IN LAR 8/2010 of II
ADDL.SUB COURT,TRIVANDRUM.

APPELLANT/RESPONDENT:

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

BY ADV. SRI. ALOYSIOUS THOMAS, GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

RAVIKUMAR,
T.C.9/2160, KOZHIKKADU HOUSE, SASTHAMANGALAM
THIRUVANANTHAPURAM - 695 010.

R1 BY ADV. SRI.SUMAN CHAKRAVARTHY
R1 BY ADV. SMT.K.R.RIJA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**P.N.RAVINDRAN &
ANU SIVARAMAN, JJ.**
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L.A..A.No.182 of 2015
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Dated this the 15th day of June, 2015

JUDGMENT

Ravindran, J.

The appellant is the respondent in L.A.R.No.8 of 2010 on the file of the Court of the II Additional Subordinate Judge of Thiruvananthapuram. The sole respondent is the claimant therein

2. A parcel of land 0.66 Ares in extent, situate in Sy.No.12/17 of Sasthamangalam Village, Thiruvananthapuram Taluk, belonging to the respondent was acquired for the purpose of widening the LMS-Students Centre, Vellayambalam-Sasthamangalam road by the Trivandrum Development Authority pursuant to a notification dated 10.09.2007 issued under section 4(1) of the Land Acquisition Act, 1894. Possession of the acquired land was taken on 29.08.2008. By award passed thereafter on 29.11.2008 the Land Acquisition Officer awarded land value at the rate of Rs.4,60,084/- per Are. Dissatisfied with the land value awarded by the Land Acquisition Officer, the claimant received the compensation awarded by him under protest and sought a reference of the dispute regarding the quantum of compensation to the civil court. A reference was accordingly made to

the Court of the Subordinate Judge of Thiruvananthapuram where it was taken on file and numbered as L.A.R.No.8 of 2010. Before the reference court the claimants sought land value at the rate of Rs.20,00,000/- per cent. Relying on the judgment of this court in L.A.A.No.49 of 2012 wherein the land value in respect of a different category of land had been fixed at the rate of Rs.18,00,000/- per Are, the reference court enhanced the land value to Rs.22,50,000/- per Are. On that basis the reference court held that the claimant is entitled to get the sum of Rs.11,81,345/- as enhanced land value and other statutory benefits together with proportionate costs. The State of Kerala has aggrieved thereby filed this appeal.

3. When the appeal came up for hearing today, learned counsel on both sides submitted that a Division Bench of this court has by judgment delivered on 11.02.2015 in L.A.A.No.806 of 2013 re-fixed the land value in respect of similar type of land acquired pursuant to the very same notification at Rs.22,00,000/- per Are and therefore, this appeal may be disposed of re-fixing the land value on that basis. The learned counsel also made available to us a copy of the aforesaid judgment. It is not in dispute that the land involved in L.A.A.No.806 of 2013 is similarly situated. In such circumstances we allow the appeal and re-fix the land value payable in respect of the acquired land

at Rs.22,00,000/- per Are. Consequently the claimant will be entitled to receive as land value for 0.66 Ares of land the sum of Rs.14,52,000/-. The Land Acquisition Officer has by award passed on 29.11.2008 awarded the sum of Rs.3,03,655/-. Consequently the respondent claimant will be entitled to get the sum of Rs.11,48,344.56 as enhanced land value. Needless to say he will be entitled to all statutory benefits. Parties shall suffer their costs in this appeal.

P.N.Ravindran,Judge

Anu Sivaraman, Judge

sj

**P.N.RAVINDRAN &
ANU SIVARAMAN, JJ.**
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C.M.Application No.191 of 2015
In
L.A..A.No.182 of 2015
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Dated this the 15th day of June, 2015

ORDER

Ravindran, J.

The prayer in this application is to condone the delay of 68 days in filing L.A.A.No.182 of 2015. Heard. Not opposed. Allowed.

P.N.Ravindran,Judge

Anu Sivaraman, Judge

sj