

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

LA.App..No. 829 of 2007 ( )

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AGAINST THE JUDGMENT IN LAR 37/2004 of ADDL.DISTRICT COURT, THRISSUR

APPELLANT/RESPONDENT::

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1.THE SPECIAL DEPUTY COLLECTOR (LA),  
K.S.E.B., THIRUVANANTHAPURAM.

2 EXECUTIVE ENGINEER, T.C.DIVISION,  
THRISSUR.

BY ADVS.SRI.C.K.KARUNAKARAN, SC FOR KSEB  
SRI.P.SANTHALINGAM (SR.)  
SRI.S.SHARAN,SC,K.S.E.BOARD

RESPONDENTS/CLAIMANT/RESPONDENT::

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1. RAMAN NAMBOODIRI, KUZHIYAMKUNNATH HOUSE,  
KARIKKAD VILLAGE, THALPPILLY TALUK, THRISSUR DISTRICT.

2. THE DISTRICT COLLECTOR, THRISSUR.

ADV.SRI.S.SHARAN SC FOR KSEB

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON  
31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.N.RAVINDRAN &  
ANU SIVARAMAN, JJ.**  
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**L.A.A.No.829 of 2007**  
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**Dated this the 31<sup>st</sup> day of July, 2015**

**JUDGMENT**

**Ravindran, J.**

The appellants are respondents 1 and 3 in L.A.R.No.37 of 2004 on the file of the Court of the II Additional Subordinate Judge of Thrissur. The first respondent is the claimant and the second respondent is the second respondent therein.

2. A parcel of land 40.47 Ares in extent, situated in Survey No.654/2 of Karikkad Village, Thalappilly Taluk, Thrissur District and belonging to the first respondent was acquired by the appellants for the construction of a 33 KV sub station at Konganoor in Thrissur district. The notification under section 4(1) of the Land Acquisition Act, 1894 was last published on 28.02.2001. By award passed on 16.08.2003, the Land Acquisition Officer awarded land value at rate of Rs.7,781/- per Are. The Land Acquisition Officer also awarded compensation for improvements as also statutory benefits. Dissatisfied with the land value awarded by the Land Acquisition Officer, the claimant received the compensation awarded by the Land Acquisition Officer under protest and sought a reference of the dispute to the competent civil court. A reference was accordingly made to the court of the II Additional Subordinate Judge of Thrissur where it was taken on file and numbered as L.A.R.No.37 of 2004. Before the reference court the land owner claimed land value at the rate of

Rs.15,000/- per cent. He also placed reliance on Exts.A1 and A2 sale deeds. On application filed by the claimant, an Advocate Commissioner was appointed and he submitted Ext.A3 report. In the reference court the claimant examined himself as AW1. On the side of the respondents, the third respondent (the second appellant herein), was examined as RW1 and Ext.R1 sale deed, the basic document relied on by the Land Acquisition Officer was produced and marked. The reference court considered the rival contentions and awarded land value at the rate of Rs.12,000/- per Are. The requisitioning authority has aggrieved thereby filed this appeal.

3. We heard Sri.S.Sharan, learned Standing Counsel appearing for the appellants. We have also gone through the pleadings and the materials on record. The judgment of the reference court discloses that the reference court had declined to accept and act upon Exts.A1 and A2 sale deeds which were executed and registered on 20.02.1998 and 14.07.1999 respectively on the ground that the said documents take in buildings and appurtenant land, that the value of the land cannot be separately assessed and also for the reason that the purchaser might have paid a fancy price for lands covered by the aforesaid documents which have an extent of 10 cents each. However, having regard to the importance of the locality which was proved by the Advocate Commissioner's report and the fact that the acquired land and the land

covered by the basic document have comparable features, the reference court enhanced the compensation to Rs.12,000/- per Are. As per Ext.R1 sale deed, 54.60 Ares of land was sold for a sale consideration of Rs.4,90,000/- on 04.01.1999. The sale consideration works out to Rs.8,975/- per Are. Ext.R1 sale deed was executed on 04.01.1999. The land acquisition proceedings were initiated in the instant case with the issuance of the section 4(1) notification on 28.02.2001. It has come out in evidence that the acquired land and the land covered by Ext.R1 sale deed are comparable lands. The reference court has fixed the land value at the rate of Rs.12,000/- per Are, taking note of the interval of time that has elapsed between the date of Ext.R1 sale deed and the date of the section 4(1) notification. In such circumstances, it cannot be said that there was no material before the reference court based on which enhanced land value could have been awarded by it. Having regard to the materials on record, by no stretch of imagination can it be said that the land value awarded by the reference court is exorbitant or excessive.

We accordingly hold that the award passed by the reference court does not merit any interference. The appeal fails and it is dismissed.

**P.N.Ravindran,Judge**

**Anu Sivaraman, Judge**