

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

LA.App..No. 379 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN LAR 39/2004 of II ADDL.SUB COURT,THRISSUR
DATED 31-10-2006

APPELLANT/CLAIMANT:

LAKSHMI AMMA

D/O.ATTOOR PARUKUTTY AMMA, MUTHUVARA, PUZHAKKAL.

BY ADV. SRI.P.V.CHANDRA MOHAN

RESPONDENTS/RESPONDENTS:

1. SPECIAL TAHSILDAR, L.A.(G)
THRISSUR.

* 2. THE DISTRICT, THRISSUR.

(*CAUSE TITLE IS AMENDED BY CORRECTING THE
NAME OF THE SECOND RESPONDENT **AS 'DISTRICT
COLLECTOR' IN PLACE OF 'DISTRICT'** AS PER ORDER
DATED 21.08.2015 IN I.A.No.948 OF 2015.)

3. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, THRISSUR.

BY ADV. GOVERNMENT PLEADER SHRI R. PADMARAJ.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
31-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R. RAMACHANDRA MENON
&
K. HARILAL, JJ.**

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L.A.A.No.379 OF 2015
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Dated this the 31st August, 2015

J U D G M E N T

P.R. Ramachandra Menon, J.

The appeal arises from the verdict passed by the Reference Court in LA.R.No.39 of 2004 of the Sub Court, Thrissur on 31.10.2006. The acquisition was for establishing industrial development plots and Section 4(1) notification was issued on 28.01.2001. By virtue of emergency clause , enquiry under Section 5 (A) of the Land Acquisition Act was dispensed with. An extent of 10.52 Ares of wet land belonging to the appellant was acquired in connection with the above acquisition proceedings and the land acquisition officer passed the award on 20.01.2003 granting compensation of Rs.3710/- per Are. Being aggrieved of inadequacy of the amount awarded , Reference was sought for under Section 18 of the Act, pursuant to which, the Reference Court enhanced the same to Rs.7042.35/- per Are (Rs.2850/- per cent). According to the appellant, the said amount is not in conformity with the actual facts and figures, especially with regard to various aspects to be noted for

awarding compensation, in view of the potential value and such other relevant aspects as envisaged under Section 23 of the Act . It is in the said circumstance, that the present appeal has been preferred seeking for further enhancement.

2. Heard the learned counsel for the appellant and also the learned Government Pleader for the respondents.

3. During the course of hearing, it is brought to the notice of this Court that similar appeal has already been considered and decided by this Court, whereby the compensation awarded by the Reference Court in respect of similar category of lands has been enhanced to **Rs.8050/-** per cent. There is no dispute with regard to facts and figures, particularly as to the date of notification, similarity in nature of land involved, date of 4(1) Notification and such other relevant aspects. In the said circumstance, we find that the verdict passed by this Court as per the judgment dated 14.03.2011 in **LAA.No.515 of 2006** and connected cases can be safely relied on, to enhance the land value and compensation payable under different heads in the present case as well.

4. We refix the land value of the property involved herein as **Rs.8050/-** per cent for 10.52 Ares. The appellant is also entitled for

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all statutory benefits including additional market value (under Section 23 (1A), solatium (under Section 23(2)], interest etc.

**P.R. RAMACHANDRA MENON,
JUDGE**

**K. HARILAL,
JUDGE**

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