IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

LA.App..No. 935 of 2007 ( )

AGAINST THE JUDGMENT IN LAR 359/2002 of PRINCIPAL SUB COURT,ALAPPUZHA DATED 29-06-2005

APPELLANTS/RESPONDENT NO.1:

STATE OF KERALA, REPRESENTED
BY DISTRICT COLLECTOR, ALAPPUZHA.

BY SR. GOVERNMENT PLEADER SRI.VIJU THOMAS

RESPONDENTS/CLAIMANT & 2ND RESPONDENT:
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1. P.K.OMANA, W/O VIDHYADHARAN,
PANTHILAMADATHIL, NANGIYARKULANGARA.

2. THE DEPUTY GENERAL MANAGER,
N.T.P.C., KAYAMKULAM.

R1 BY ADV. SRI.K.S.ARUNDAS
R2 BY ADV. SRI.K.ANAND (SR.)
R2 BY ADV. SMT.LATHA KRISHNAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.

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L.A.A.No.935 OF 2007

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Dated this the 25th day of May, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the State aggrieved by the judgment and decree in L.A.R.No.359/2002 of the Principal Sub Court, Alappuzha.

2. Heard both sides. The extent involved is 4.80 Ares in Sy.No. 210/2, 18, 19 of Chingoli village and the acquisition was for the purpose of township for NTPC. The notification under Section 4(1) was published on 21.12.1989. The land value awarded by the land acquisition officer is @ Rs.2,400/- per Are along with reclamation charges and the reference court has enhanced the same to Rs.10,200/- per Are.

3. The learned Senior Government Pleader submitted that the evidence adduced by the claimant do not justify such an enhancement. We find from the discussion of the contentions of the parties contained in paragraph 9 that the claimant had relied upon Ext.A1 which is the

copy of the award in L.A.R.No.142/02 of the same court. There the land acquisition officer had fixed land value for the acquired property at Rs.2,400/- per Are and the notification under Section 4(1) was also published on 19.12.1989. The claimant's contention was that both the items of properties are similar and they are situated at a distance of just 50 metres and therefore the said value can be adopted. A finding was rendered that going by the nature of the property acquired in Ext.A1 also, it can be seen that both the properties are of similar nature. The learned Government Pleader submits that actually the acquired property is a wet land. But we find from the discussion that there were coconut trees in the acquired property. It had got advantage by way of road access on eastern and western side also. Finally, the court below fixed the land value at Rs.10,200/- per Are, namely enhancement by Rs.7,800/- per Are.

Even though very vehement arguments are raised, we are of the considered view that the award is not per se illegal on any ground. The court below had relied upon the award of the same court. It is not the case of the appellant also that Ext.A1 has been varied by this Court in

any appeal filed by them. We do not find any reason to interfere with the judgment and decree. Accordingly, the appeal is dismissed. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH,JUDGE

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