

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

LA.App..No. 522 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN LAR 161/2005 of II ADDL.SUB
COURT,TRIVANDRUM DATED 20-11-2014

APPELLANT(S)/APPELLANT:

MATHEW FERNANDEZ
S/O.ALPHOSE FERNANDEZ, TC NO 76/1777(1),
ANAYARA P O
VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM

BY ADV. SRI.LAL GEORGE

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REP BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM 695004

2. SECRETARY
(TRIDA)TRIVANDRUM DEVELOPMENT AUTHORITY,
THIRUVANANTHAPURAM 695004

R1 BY SENIOR GOVERNMENT PLEADER SRI. R. PADMARAJ
R2 BY ADV. SRI.K.A.JALEEL, SC., TRIDA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 09-
10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON

&

K. HARILAL, JJ.

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L.A.A. No. 522 of 2015

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Dated, this the 9th day of October, 2015

JUDGMENT

Ramachandra Menon, J.

Appeal arises from the judgment and decree dated 20.11.2014 in LAR No. 161 of 2005 passed by the second Additional Sub Court, Thiruvananthapuram. Pursuant to 4(1) notification dated 18.11.2003 property having an extent of 0.15 Ares in Survey No. 2029/1-1 of Vanchiyoor Village belonging to the claimant was acquired for widening the Palayam Airport road. The Land Acquisition Officer awarded a sum of Rs.2,71,107/- per Are, which has been enhanced by the Reference Court on reference under Section 18 to the tune of Rs.14,00,000/- per Are.

2. It is brought to the notice of this Court that in respect of the very same acquisition, the State had pursued the matter further before this Court by way of LAA No. 1111 of 2009, wherein interference was declined and the appeal was dismissed, fixing the land value at Rs.16,60,000/- per Are. The learned counsel for the appellant submits that the claimant in the present appeal is also

entitled to get similar benefit. It is stated that entire court fee has been remitted.

3. Heard the learned Government Pleader as well, who submits that the matter has become final by virtue of the judgment passed by this Court in LAA No. 1111 of 2009 and that the land value fixed by this Court in the said case can be adopted in this case as well.

4. In the said circumstances, this Court finds it fit and proper to refix the land value in respect of 0.15 Ares in Survey No. 2029/1-1 acquired for widening the Palayam Airport road as **Rs.16,60,000/-** per Are. The appellant is entitled get all the statutory benefits in accordance with law.

LAA stands disposed of.

sd/-
P. R. RAMACHANDRA MENON,
JUDGE

sd/-
K. HARILAL,
JUDGE

kmd