

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

**LA.App..No. 23 of 2013 ()**

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AGAINST THE JUDGMENT AND DECREE IN LAR 38/2008 OF THE I ADDL.SUB  
COURT,TRIVANDRUM DATED 27-05-2010

APPELLANT/APPELLANT/RESPONDENT NO.1:

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STATE OF KERALA  
REPRESENTED BY THE DISTRICT COLLECTOR  
THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER SRI. ALOSIOUS THOMAS

RESPONDENT(S)/CLAIMANT AND RESPONDENT NO.2:

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1. SUJANI EAPPEN LUKE  
ARIES COTTAGE, PAPPANAMCODE  
THIRUVANANTHAPURAM REPRESENTED BY THE POWER OF  
ATTORNEY HOLDER SUJAYA GEORGE  
PIN 695001.

2. THE SECRETARY  
TRIDA, THIRUVANANTHAPURAM, PIN 695001.

R1 BY ADV. SRI.LAL GEORGE

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON  
25-11-2015 ALONG WITH CROSS OBJECTION NO. 173 OF 2015, THE COURT ON THE  
SAME DAY DELIVERED THE FOLLOWING:

**P.R. RAMACHANDRA MENON**

**&**

**ANIL K. NARENDRA, JJ.**

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L.A.A. No. 23 of 2013 and  
Cross Objection No. 173 of 2015

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Dated, this the 25<sup>th</sup> day of November, 2015

**JUDGMENT**

Ramachandra Menon, J.

This appeal arises from the judgment and decree in LAR No. 38 of 2008 of the I Additional Sub Court, Thiruvananthapuram. Property having an extent of 1.45 Ares of land comprised in Survey No. 1732/2 was acquired pursuant to 4 (1) notification issued under the Land Acquisition Act on 30.10.2004 for widening the Pattom - Kowdiar road, based on the requisition made by TRIDA.

2. Going by the pleadings and proceedings, it is seen that the land value fixed by the Land Acquisition Officer as Rs.1,77,840/- per Are was subsequently enhanced to Rs.4,37,500/- per Are by the Reference Court. The case of the appellant is that the claimant was relied on the basic judgment in LAR No. 58 of 2008, whereby the land value was fixed at Rs.28,00,000/- per Are, which has no connection whatsoever with regard to the land in question. It is stated that

the land value fixed by the Reference Court is without any basis. It is also stated that, being aggrieved of the judgment and decree passed by the Reference Court in the connected matters involving the very same acquisition, the State has preferred the appeals and the claimants therein have preferred cross objections as well.

3. Today, when the matter is taken up for consideration, it is brought to the notice of this Court that the appeal preferred by a claimant, being aggrieved of the amount awarded by the Reference Court in respect of the very same acquisition, by way of LAA No. 349 of 2014 was allowed as per the judgment dated 19.03.2015, ordering enhancement to the tune of Rs.22,00,000/- per Are. This being the position, this Court finds that the very same course can be adopted in the present case as well. In the said circumstances, the appeal preferred by the State stands dismissed.

3. Coming to the cross objection, pursuant to the order passed by this Court on 06.11.2015, the claimant has satisfied the balance court fee on 20.11.2015. In view of the judgment dated 19.03.2015 in LAA No. 349 of 2014, the claimant is awarded enhancement to an extent of Rs.22,00,000/- per Are. It is also

*L.A.A. No. 23 of 2013 and  
Cross Objection No. 173 of 2015*

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made clear that the claimant will be entitled to get all the statutory benefits flowing from the said declaration.

The cross objection stands allowed to the said extent.

sd/-

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

sd/-

**ANIL K. NARENDRAN,  
JUDGE**

kmd

/True copy/

P.A. to Judge