

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

LA.App..No. 41 of 2013 ()

AGAINST THE JUDGMENT IN LAR 143/1999 of ADDL.SUB COURT,KOLLAM DATED
02-06-2007

APPELLANT/CLAIMANT:

MERCY,
W/O.ANCHELOS, KUZHINELLIL KIZHAKKATHIL VEEDU
KUREEPPUZHA CHERRY, THRIKKADAVOOR VILLAGE
KOLLAM DISTRICT.

BY ADV. SRI.PRATHEESH.P

RESPONDENT/STATE:

STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR
KOLLAM-690013.

BY GOVERNMENT PLEADER SRI.ALOYSIOUS THOMAS

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
20-02-2015 ALONG WITH LAA NOS.734/2012 & CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.**

**L.A.A.Nos.734 OF 2012,
41 OF 2013, 196, 275, 288 OF 2014**

Dated this the 20th day of February, 2015

JUDGMENT

Ramachandran Nair, J.

These appeals are from the judgments of the reference court. We dispose of the appeals together as the facts are similar. The properties were acquired pursuant to Section 4(1) notification dated 26.2.1996 in all these cases. The land acquisition officer awarded land value @ ₹19,839/- per Are. It is submitted by the learned counsel for the appellant that the reference court enhanced the land value by granting ₹8927.55/- per Are, 11,903/- per Are, 9,161/- per Are, 12,895/- per Are and 17,161/- per Are respectively.

2. Heard both sides. The claimants are claiming enhancement @ ₹33,000/- per Are, ₹35,000/- per Are, ₹50,000/- per Are, ₹36,000/- per Are, ₹33,000/- per Are and ₹30,000/- per Are respectively over and above the value awarded by the reference court.

3. We heard the learned counsel for the appellant and the learned Senior Government Pleader.

4. The claimants are relying upon the judgment in L.A.A.No.495/2012 and accordingly are seeking land value @ ₹65,000/- per Are. The learned Government Pleader submitted that it is not safe to rely upon the judgment in L.A.A.No.495/2012. The learned Government Pleader relied upon the judgment of this Court in L.A.A.No.1123/2009.

5. After going through the judgment in L.A.A.No.1123/2009, we have disposed of L.A.A.Nos.688/2011, 755/2011 and 756/2011 by fixing land value in the following manner :

In L.A.A.Nos.688/2011 & 755/2011 - ₹45,000/- per Are

In L.A.A.No.756/2011 - ₹48,000/- per Are

6. In L.A.A.No.756/2011, the land acquisition officer had fixed land value more or less similar to the one herein i.e. at ₹19839/- per Are. The properties are in the same village. In that view of the matter, we fix the total land value in these cases at ₹48,000/- per Are.

We have adopted the above amount since we are of the view that the judgment in L.A.A.No.495/2012 may not be the relevant one herein.

The appeals are accordingly allowed. The appellants are entitled to all statutory benefits as granted by the trial court. In these appeals, the appellants have approached this Court by filing petitions for condoning delay of 1644 days, 1903 days, 2709 days, 2326 days and 2032 days respectively. We find that the delay was condoned on condition that the appellants will not be entitled for interest under Section 28 for the periods covered by the delay. We reiterate the same and hold that in all these appeals the appellants will not be entitled for interest under Section 28 for the period covered by the delay and the statutory benefits are granted subject to the above. The parties will suffer their costs in these appeals.

T.R.RAMACHANDRAN NAIR, JUDGE

P.VASHA, JUDGE

SV.