

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

LA.App..No. 45 of 2013 ()

**AGAINST THE JUDGMENT IN LAR 122/2007 of II ADDITIONAL SUB COURT,,
THIRUVANANTHAPURAM DATED 06-11-2008**

APPELLANT(S)/APPELLANTS:

- 1. S. JAYA SHEELA
W/O. LATE BABU, T. C. 80/2879(4)KOCHU VELI , T .T. P. P. O
THIRUVANANTHAPURAM**
- 2. SABU
S/O. LATE BABU, T. C 80/2879(4)KOCHU VELI , T. T. P. P. O
THIRUVANANTHAPURAM**
- 3. SHANI
D/O. LATE BABU, T. C 80/2879(4)KOCHU VELI , T. T. P. P. O
THIRUVANANTHAPURAM**
- 4. SEEMA
D/O. LATE BABU, T. C 80/2879(4)KOCHU VELI , T. T. P. P. O
THIRUVANANTHAPURAM**
- 5. SYAMLAL
S/O. LATE BABU, T. C 80/2879(4)KOCHU VELI , T. T. P. P. O
THIRUVANANTHAPURAM**

**(APPELLANTS 2 TO 5 ARE REPRESENTED BY THEIR POWER OF ATTORNEY
HOLDER, THE 1ST APPELLANT WHO IS THEIR MOTHER AS WELL AS IN THE
REFERENCE COURT)**

**BY ADVS.SRI.M.R.ANANDAKUTTAN
SMT.M.A.ZOHRA
SRI.T.SAPROO
SRI.MAHESH ANANDAKUTTAN**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR,
THIRUVANANTHAPURAM-695 005**
- 2. THE DIRECTOR ,
TOURISM DEPARTMENT,
THIRUVANANTHAPURAM-695 001**

BY GOVERNMENT PLEADER SRI.R.PADMARAJ

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

iap

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

L.A.A.NO.45 of 2013

Dated this the 19th day of January, 2015.

JUDGMENT

T.R.Ramachandran Nair, J

This appeal is filed from the judgment and decree in L.A.R.No. 122/2007 of the Second Additional Sub Court, Thiruvananthapuram.

2. The land involved is having extent of 2.83 Ares in Survey No.2844/A 3-1 of Kadakampally Village. It was acquired for establishing Veli Amusement Park. The notification under Section 4(1) is dated 09.01.2002.

3. The Land Acquisition Officer awarded land value at the rate of Rs.98,800/- per Are. According to the Learned Counsel for the appellant there were yielding crops as well as a house in the property in question. The Court below fixed the land value at the rate of Rs.1,50,000/- per are and has granted Rs.10,000/- for value of yielding crops.

4. In the appeal the claimant is seeking enhancement at the rate of Rs.3,00,000/- per Are for which Court Fee has been paid also.

5. According to the learned Counsel for the appellant the property has a frontage of 30 metres and it is clear from the award of the Land Acquisition Officer that unlike other cases, where the

Land Acquisition Officer awarded land value commonly at the rate of Rs.66,300/- per Are, in view of the importance of the property a higher value has been fixed. It is pointed out that in connected cases the Reference Court itself has granted land value for similar properties by enhancement at the rate of 179% namely from Rs.66,300/- to Rs.1,85,250/- per Are.

6. In our Judgment in L.A.A.No.54/2013 rendered today which is from L.A.R 269/2004, we have considered the judgment of the Reference Court where compensation was refixed. Therein the Land Acquisition Officer awarded land value @ Rs.66,300/- per Are which has been enhanced at Rs.1,85,250/- per Are. Therefore the same method can be adopted herein also. Since the notification under Section 4(1) is on the same date, by adopting 179% enhancement land value herein will be Rs.2,72,652/- per Are which is rounded to Rs.2,72,650/- (Rupees Two Lakhs Seventy Two Thousand Six Hundred and Fifty only)per Are. The claimant will be entitled for all statutory benefits as granted already by the reference Court.

The appeal is allowed accordingly. No Costs. The appeal was filed with a delay of 1319 days. Therefore the Learned Senior Government Pleader submitted that the claimant may not be entitled for award of interest for the above period. We therefore hold that the claimant will not be entitled for interest under Section 28 of the Act for the above period and statutory benefits granted

will be subject to the above direction.

Sd/-

T.R.RAMACHANDRAN NAIR, JUDGE

Sd/-

P.V.ASHA, JUDGE

iap