

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

LA.App..No. 48 of 2013 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 172/2006 ON THE FILE OF THE
II ADDL.SUB COURT,TRIVANDRUM DATED 30-01-2010

APPELLANTS/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,
KERALA STATE TRANSPORT PROJECT, PALAMON, KOTTARKKARA.

BY ADV. GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENT/CLAIMANT:

OMANA AMMA
D/O.JANAKI AMMA, SUKUMARA VILASOM VEEDU
EROORKONAM ANDOORKONAMA.P.O, PIN-695584.

R1 BY ADV. SRI.M.RAJAGOPALAN NAIR
R1 BY ADV. SRI.S.JAYAPRAKASH (MADAVOOR)

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

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

L.A.A. No.48 of 2013

Dated this the 5th day of March 2015

JUDGMENT

Ramachandran Nair, J.,

This appeal is filed by the State aggrieved by the judgment and decree in L.A.R. No. 172/06 on the file of the IInd Additional Sub Court, Thiruvananthapuram. The land was acquired for the purpose of upgradation of Thykkode-Kottarakkara as per notification under Section 4(1) dated 7.1.2004. The Land Acquisition Officer awarded land value at the rate of Rs. 47,331/- per Are which stands enhanced by the reference court to Rs. 1,23,548/- per Are.

2. We heard the learned counsel on both sides.

3. Before the reference court, the claimant adduced documentary evidence and produced Ext.A1 to A3 documents. The reference court considered various aspects and granted enhancement

4. The learned counsel for the respondent relied upon the judgment of this Court in L.A.A.No. 1246/2010 and connected

L.A.A. No.48 of 2013 :2:

appeals. It is submitted that therein, the land value has been refixed by this Court at Rs.1,70,000/- per Are in respect of the very same acquisition.

5. We have gone through the judgment. Therein the notification under Section 4(1) was published on 6.1.2003 for upgradation of Thykkode-Kottarakkara State High way. The land value awarded by the Land Acquisition Officer was at the rate of Rs. 47,331/- per Are and after hearing both sides, this Court found that even though the court below has awarded a uniform rate of Rs. 1,23,548/- it requires enhancement and granted land value at the rate of Rs. 1,70,000/- per Are. Since the properties were acquired for the very same purpose, we are of the view that the said value will give guidance herein also and hence there is no merit in this appeal and the appeal is accordingly dismissed.

Parties will bear their respective costs in the appeal.

Sd/-
T.R.RAMACHANDRAN NAIR
(JUDGE)

Sd/-
P.V.ASHA
(JUDGE)

AL/-

True copy

P.A to Judge