

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. 54 of 2013 (C)

**AGAINST THE DECREE AND JUDGMENT IN LAR 269/2004 of II ADDITIONAL SUB
COURT, THIRUVANANTHAPURAM DATED 30-11-2009
APPELLANT/1ST RESPONDENT IN LAR:**

**STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM.**

BY SENIOR GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN LAR:

**1. GERALD GOMEZ,
AEGIS GOLD FIELD, TC 78/4090, SHANGUMUGHAM
THIRUVANANTHAPURAM-695 029.**

**2. THE DIRECTOR,
KERALA TOURISM DEVELOPMENT CORPORATION-695 024.**

R1 BY ADV. SRI.N.RATHEESH

R1 BY ADV. SMT.SUMA RATHEESH

**R2 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SC, KERALA TOURISM
DEVELOPMENT CORPORATION**

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

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

L.A.A.NO.54 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 269/2004 of the second Additional Sub Court, Thiruvananthapuram.

2. The property was acquired for the purpose of setting up of amusement park at Veli and the notification under Section 4(1) is dated 09.01.2002. The Land Acquisition Officer awarded the land value @ Rs.66,300/- per Are. This was enhanced to Rs.1,85,250/- per are by the reference Court. The reference Court relied upon the judgments Exhibits A1 and A2. It was found that the acquired land is having the same potentiality and importance.

3. We notice that in L.A.A in 27/2011 from the judgment in L.A.R No.289/2004 with respect to the same requisition this Court confirmed the land value at the same rate namely Rs.1,85,250/-. Therein the reference court had granted enhancement based on the judgment in L.A.R.No.s 49/2004 and 50/2004. A Division Bench of this Court in L.A.A.No.1107/2008 had reduced the land value awarded in L.A.R No.49/2004 and 50/2004 from Rs.1,85,250/- to Rs.1,75,000/- per Are. But this Court found that the notification under Section 4(1) was issued some months later and therefore the award of amount at the rate of Rs.1,85,250/- was found to be

reasonable.

We are also of the view that, in the light of the fact that, the notification under Section 4(1) in L.A.A.No.27/2011 and herein is of the same date, the land value awarded as Rs.1,85,250/- per Are is reasonable and accordingly the appeal is dismissed. No Costs.

Sd/-

T.R.RAMACHANDRAN NAIR, JUDGE

Sd/-

P.V.ASHA, JUDGE

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