

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

LA.App..No. 58 of 2013 (D)

AGAINST THE JUDGMENT IN LAR 202/2008 of II ADDL.SUB
COURT, THIRUVANANTHAPURAM DATED 11-02-2011

APPELLANT/RESPONDENT:

STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENT(S) /CLAIMANT:

M.MUHAMMED ABDUL KHADER
TC.20/2701, KARAMANA, THIRUVANANTHAPURAM. 695 002.

R1 BY ADV. SMT.M.HEMALATHA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

L.A.A.No.58 OF 2013

Dated this the 15th day of July, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment and decree in L.A.R.No.202/2008 of the Additional Sub Court, Thiruvananthapuram. The extent of property involved is an extent of .07 Ares comprised in Sy.No.1274/3 of Thycaud village in Thiruvananthapuram Taluk. It was acquired for the widening of road from Karamana-Killipalam Reach No.II. The land acquisition officer awarded land value @ Rs. 2,07,774/- per Are and the reference court enhanced the same to Rs.9,88,000/- per Are.

2. The reference court has disposed of L.A.R.No.202/2008 along with L.A.R.No.224/2008. The only evidence before the reference court was Ext.A1 namely the certified copy of the judgment in L.A.R.No.223/2008.

3. The learned Senior Government Pleader submitted that the

judgment in L.A.R.No.224/2008 was the subject matter of L.A.A.No.564/2012 before this Court and by judgment dated 12.01.2015 this Court has refixed the land value at Rs.6,17,284/-.

4. We have gone through the judgment of the reference court. The reference court has enhanced the value relying upon Ext.A1 judgment alone. It is pointed out that the said property was in a different village and it was acquired for a different purpose also.

In the light of the fact that the judgment in L.A.R.No.224/2008 has been modified and the land value is fixed as Rs.6,17,284/-, the said judgment will govern this matter also. Accordingly, we allow the appeal and the land value for the acquired property is refixed at Rs.6,17,284/- per Are. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH,JUDGE

SV.