

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

LA.App..No. 95 of 2013 (C)

AGAINST THE JUDGMENT & DECREE IN LAR 44/2002 of II ADDL.SUB
COURT,TRIVANDRUM

APPELLANTS/RESPONDENTS IN LAR:

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

2. THE EXECUTIVE ENGINEER, PWD ROADS DIVISION,
THIRUVANANTHAPURAM

BY SENIOR GOVERNMENT PLEADER SHRI R.PADMARAJ
SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL

RESPONDENT(S)/CLAIMANTS:

1. NOOHU
TC 21/11, M.A.BUILDING, KILLIPPALAM
THIRUVANANTHAPURAM - 695 009.

2. SAKKEENA, W/O.NOOHU, RESIDING AT TC 21/11, M.A.BUILDING
KILLIPPALAM, THIRUVANANTHAPURAM - 695 009.

R1,R2 BY ADV. SRI.K.RAVIKUMAR

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

L.A.A No.95 of 2013

Dated this the 4th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the appellants aggrieved by the judgment and decree in L.A.R No.44 of 2002 of the II Additional Sub Court, Thiruvananthapuram. The land was acquired for the purpose of widening of road and for construction of Killipalam-Iranimuttom Bund pursuant to notification under Section 4(1) of the Land Acquisition Act dated 20.12.1998. The extent of the land involved is 22 sq.m in Survey No.2021/8 of Manacaud Village.

2. The Land Acquisition Officer fixed the land value at Rs.1,60,229/- per Are, which was enhanced to Rs.6,91,600/- per Are by the reference court and against which the appeal has been filed.

3. We heard both sides. The reference court had relied upon Ext.A1 certified copy of a common judgment in L.A.R No.46/02 of the same court.

4. It is submitted by the learned Senior Government

Pleader that in L.A.A No.163 of 2009 from the same judgment, the land value has been refixed by this Court at Rs.2,20,000/- per Are from Rs.6,91,600/-.

5. In the light of the above submission and as the said judgment has become final also, the appeal is allowed. The land value for the acquired property herein is fixed at Rs.2,20,000/- (Rupees Two lakhs and twenty thousand only) per Are and the claimants will also be entitled for all the statutory benefits as granted by the reference court. The parties will bear their respective costs.

In the light of the submission made by the learned counsel for the respondents that the claimants are aged and are in urgent need of money, we direct the appellants to deposit the amount decreed within a period of three months. The parties will suffer their costs in this appeal.

Sd/-
T.R.RAMACHANDRAN NAIR
Judge
Sd/-
P.V.ASHA
Judge

rtr/

/true copy/

P.S to Judge