

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. 102 of 2013 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 176/2006 ON THE FILE OF THE II
ADDL.SUB COURT,TRIVANDRUM DATED 27-03-2009

APPELLANTS/RESPONDENTS:

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

2. THE EXECUTIVE ENGINEER,
KSTP, PULAMON, KOTTARAKKARA.

BY ADV. GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENT/CLAIMANT:

NELSON,
S/O.MANAS REBEKKA NIVAS, ANDOORKONAM
THIRUVANANTHAPURAM-695584.

R1 BY ADV. SRI.J.HARIKUMAR

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.102 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. 176/06 on the file of the IInd Additional Sub Court, Thiruvananthapuram. The land was acquired for the purpose of upgradation of Thykkode-Kottarakkara State Highway as per notification under Section 4(1) dated 6.1.2003. The Land Acquisition Officer awarded land value at the rate of Rs. 1,23,548/- per Are and the reference court has enhanced it to Rs. 7,00,000/- per Are.

2. The extent of land involved is 0.06 Ares of land comprised in Survey No. 9/39 of Ayirooppara Village in Thiruvananthapuram Taluk.

3. We heard the learned counsel on both sides. Learned counsel for the respondent submitted that in similar cases this

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Court has granted enhancement and in the light of the said enhancement, herein it is not at all excessive. The court had relied upon Ext.A1 document.

4. We have been informed that in similar cases the same land value has been adopted by the reference court in L.A.R. Nos. 158/06 and to 162/06. The State has not challenged the same in appeal. These judgments were of the very same court. Apart from the same, the extent of land involved is 0.06 Ares and in certain other cases, evidently the Land Acquisition Officer has fixed the land value at a reduced rate. It shows that the property herein is much important also. It is clear from the evidence that the property is situated in Pothencode junction, a business centre. For all these reasons, we dismiss the appeal.

Parties will bear their respective costs in this appeal.

Sd/-

T.R.RAMACHANDRAN NAIR
(JUDGE)

Sd/-

P.V.ASHA
(JUDGE)

AL/-

True copy

P.A to Judge