

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

LA.App..No. 113 of 2013 ()

**(LAR.NO. 297/2007 OF II ADDL.SUB COURT, THIRUVANANTHAPURAM
DATED 16-07-2008)**

APPELLANT/IST RESPONDENT:

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

BY SR GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENT(S)/CLAIMANTS AND 2ND RESPONDENT IN LAR :

- 1. GEORGE KURIAN,
KOMBASSERIL HOUSE, KOTTARAKKARA,
MAVELIKARA - 691 506.**
- 2. SIMON K. VARGHESE,
KOMBASSERIL HOUSE, KOTTARAKARA,
MAVELIKKARA - 691 506.**
- 3. SHEENA PHILIP,
KOMBASSERIL HOUSE, KOTTARAKARA,
MAVELIKKARA - 691 506.**
- 4. ANU KOSHY,
KOMBASSERIL HOUSE, KOTTARAKARA,
MAVELIKKARA - 691 506.**
- 5. THE SECRETARY,
TRIDA, THIRUVANANTHAPURAM - 695 001.**

**R2 TO R4 BY ADV. SRI.V.M.KURIAN
R5 BY ADV. SRI.K.A.JALEEL, SC., TRIDA**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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

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L.A.A.No.113 of 2013

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Dated this the 6th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment and decree in LAR No.297/2007 of the Additional Sub court, Thiruvananthapuram. The property is acquired for widening of road from Museum to Thampanoor by Trivandrum Development Authority. The notification under Section 4(1) was published on 30.09.2004 and the Land Acquisition Officer fixed the land value at the rate of ₹2,30,229/- per Are. The property acquired, so far as the claimant herein is concerned is in Reach No.IV, ie, from Thampanoor to Over Bridge. The reference court enhanced it to ₹27,16,998/- per Are.

2. The learned Government Pleader relied upon the judgment of this Court, namely in LAA No.262 of 2009 to contend for the position that this Court re-fixed the land value to ₹21,38,390/-.

3. The learned counsel for the claimants relied upon another judgment of this Court in LAA No.838 of 2009, wherein the land value was fixed by the Land Acquisition Officer at ₹2,44,560/- per Are and this Court re-fixed the same to ₹21,60,000/- per Are. The reference court in this case relied upon Ext.A2 the common judgment in LAR No.183/2006 and connected cases.

4. We have gone through the judgment in L.A.A.No.838/2009. After referring to the arguments on both the sides, this Court found that the property was acquired for widening of road from Museum to Thampanoor Overbridge. The property was having commercial potential and was situated in a very important area of the capital city. After relying upon the judgment in LAA No.2008 of 2008, this Court re-fixed the land value to ₹21,60,000/- per Are.

We, therefore, are inclined to follow the said judgment, as far as the acquisition in these cases are concerned, in view of the fact that the land herein is situated in Reach No.IV; as noted already it is an important locality. Accordingly, this appeal is

allowed and the land value in respect of the acquired property in this case, is re-fixed @ ₹21,60,000/- per Are and the claimants will be entitled for all the statutory benefits under Section 23(2), 23(1A) and Section 28 of the Land Acquisition Act. The parties will suffer their costs in the appeal.

T. R. Ramachandran Nair, Judge

P.V. Asha, Judge

sj