

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

LA.App..No. 121 of 2013 ()

AGAINST THE JUDGMENT IN LAR 123/2008 of III ADDL.SUB COURT, ERNAKULAM
DATED 27-02-2010

APPELLANT(S)/APPELLANT/1ST RESPONDENT:

STATE OF KRALA
REPRESENTED BY THE SPECIAL TAHSILDAR (LA), ICTT
VALLARPADOM, ELOOR.

BY SENIOR GOVERNMENT PLEADER SRI. R. PADMARAJ

RESPONDENT(S)/RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT:

1. THIRUMOOZHILKULAM DEVASWAN
682011.

2. JEROM
CHEMMANIKODATH, ARCHU BISHOPS HOUSE, BROADWAY
ERNAKULAM-682011.

3. THE CHAIRMAN
COCHIN PORT TRUST, W.ISLAND-682011.

R2 BY ADV. SRI.T.P.SAJAN
R3 BY ADV. SRI.K.ANAND (SR.)
R3 BY ADV. SMT.LATHA KRISHNAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 28-
09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R. RAMACHANDRA MENON
&
K. HARILAL, JJ.**

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L.A.A. No. 121 of 2013  
and C.M.Appln. No. 150 of 2013

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Dated, this the 28th day of September, 2015

JUDGMENT

Ramachandra Menon, J.

This appeal has been preferred by the State challenging the correctness and sustainability of the verdict passed by the reference Court in LAR No. 123 of 2008 on 27.02.2010.

2. Heard the learned senior Government Pleader appearing for the appellant as well as the learned standing counsel appearing for the respondents.

3. During the course of hearing, it is brought to the notice of this Court that, in respect of the very same acquisition, the enhancement was awarded by this Court in LAA No. 223 and 225 of 2012, whereby the land value fixed by the Reference Court at Rs.1.46 lakhs per Are was enhanced to Rs. 3.5 lakhs per Are. In the instant case, it is seen that the amount awarded by the awarding officer was only Rs.86,222/- per Are, which was enhanced by the Reference Court to an extent of Rs.1.91 lakhs per Are.

*L.A.A. No. 121 of 2013
and C.M.Appln. No. 150 of 2013*

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4. In the above circumstances, the appeal and delay petition are not intended to be pressed, submits the learned Government Pleader. Accordingly, both the appeal and C.M. Appln. are dismissed as not pressed. However, it is made clear that in view of the observation made by this Court in LAA No. 1098 of 2010 as per the judgment dated 22.11.2011, such dismissal will be without prejudice to the rights and liberties of the parties to move again, after the survey is completed, as to the correctness of the extent under the title and possession of the claimant.

sd/-

**P. R. RAMACHANDRA MENON,
JUDGE**

sd/-

**K. HARILAL,
JUDGE**

kmd

/True copy/

P.A. to Judge