

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

LA.App..No. 1195 of 2007

JUDGMENT DATED 29-11-2005 IN LAR 24/2003 OF SUB COURT, KASARAGOD
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APPELLANT(S)/RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY
THE SPECIAL TAHSILDAR, (LAND ACQUISITION)
RAILWAY, KASARAGOD.**
- 2. THE DISTRICT COLLECTOR,
KASARAGOD.**
- 3. THE DEPUTY CHIEF ENGINEER,
(CONSTRUCTION), SOUTHERN RAILWAY, KANNUR.**

BY GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKEN

RESPONDENT(S)/RESPONDENT/CLAIMANT:

- *1 CHIRUTHAI AMMA, W/O. (L) CHINDAN VAIDYAR,
EROLI, KUNNUMMEL HOUSE, BARE VILLAGE,
HOSDURG TALUK. (DIED & LR'S IMPEADED)**
- * ADDITIONAL RESPONDENTS 2 TO 9**
- 2. KUNHIRAMAN VAIDYAR, S/O.CHIRUTHAI AMMA,
AGED 65 YEARS, ARATKADAVU, PALLIKKARA II VILLAGE,
BEKAL P.O.**
 - 3. K.V.RAMANI, D/O.CHIRUTHAI AMMA,
AGED 62 YEARS, EROL KUNNUMMAL, BARE VILLAGE,
POST BARE.**
 - 4. SARASWATHI, S/O.CHIRUTHAI AMMA,
AGED 60 YEARS, GEETHA BHAVAN, KOLAVAYAL,
KANHANGAD, AJANUR VILLAGE.**
 - 5. MANI, S/O.CHIRUTHAI AMMA, AGED 58 YEARS,
EROLE KUNNUMMAL, BARE VILLAGE,
P.O. BARE.**

Msv/

LA.App..No. 1195 of 2007

- #6. NARAYANAN, S/O.CHIRUTHAI AMMA,
AGED 56 YEARS, CHATTANCHAL,
THEKKIL VILLAGE, P.O. CHATTANCHAL. (CORRECTED)
- 7. ANANDAN K.V., S/O.LATE CHINDAN VAIDYAR,
AMALASREE, DOOR NO.26/2740,
PONMENI P.O., KOZHIKODE.
- 8. KARUNAN, S/O.CHIRUTHAI AMMA,
AGED 51 YEARS, EROLE KUNNUIMMAL,
BARE VILLAGE, P.O. BARE.
- 9. KUMARI, D/O.LATE CHINDAN VAIDYAR,
JYOTHISH, KOKKAYIL, MATTANNUR,
KANNUR DISTRICT.
- * LR'S OF THE DECEASED SOLE RESPONDENT ARE IMPEADED AS
ADDITIONAL RESPONDENTS 2 TO 9 VIDE ORDER DTD.17.11.2015 IN
IA.3434/2008.

R4 & R8 BY ADV. SRI.T.K.VIPINDAS
R7 BY ADV. SRI.N.C.JOSEPH

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

P.B.SURESH KUMAR, J.

L.A.A.No.1195 of 2007

Dated this the 30th day of November, 2015

JUDGMENT

The State has come up in this appeal challenging the decision in L.A.R No.24 of 2003 on the file of the Sub Court, Kasaragod.

2. An extent of 0.0016 hectors of property of the respondent was acquired for the purpose of doubling an existing railway line. The notification in respect of the acquisition under Section 4(1) of the Land Acquisition Act was published on 22.5.2001. The Land Acquisition Officer fixed the land value at Rs.5,998/- per cent. The Appellate Court re-fixed the land value at Rs.15,000/- per cent. It is aggrieved by the said enhancement, the State has come up in this appeal.

3. Heard the learned Government Pleader for

the appellants.

4. It is seen that in respect of the very same acquisition, the reference court has re-fixed the land value payable to the claimants in two other cases at Rs.15,000/- per cent. Ext.A8 is the common judgment in the said cases. The impugned judgment is rendered relying on Ext.A8 common judgment. It is conceded by the learned Government Pleader that the land value fixed by the Land Acquisition Officer in the said cases was also Rs.5,998/- and that there was no appeal against Ext.A8 common judgment. In the said view of the matter, I do not find any ground to interfere with the decision impugned in the appeal.

In the result, the appeal is dismissed.

P.B.SURESH KUMAR, JUDGE.

smm