

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. 126 of 2013 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 175/2006 ON THE FILE OF THE
II ADDL.SUB COURT,TRIVANDRUM DATED 15.1.2009

APPELLANTS/RESPONDENTS:-:

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

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

BY ADVS.GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENTS/CLAIMANTS:-:

1. NELSON,
S/O.MANNAS REBECCA NIVAS, ANDOORKONAM
THIRUVANANTHAPURAM - 695 584.

2. MANAGER,
FEDERAL BANK, POTHENCODE
THIRUVANANTHAPURAM - 695 584.

3. SARALAKUMARI,
D/O.CHEMPAKAVALLY, MADHU BUILDINGS, POTHENCODE
THIRUVANANTHAPURAM - 695 584.

R1 BY ADV. DR.PAULY MATHEW MURICKEN

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.126 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. 175/06 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. We heard learned counsel on both sides.

3. The reference court has granted enhancement to Rs. 7 lakh in the light of the importance of the locality. It is submitted that the property is situated in Pothencode junction itself. The claimant had produced two sale deeds marked as Exts. A1 & A2 which were executed prior to the notification under Section 4(1).

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Therein the land value reflected is Rs. 3 lakh per cent which were relied upon by the trial court. We have already dismissed L.A.A. No. 102/13 wherein a similar judgment was rendered by the reference court by fixing land value at the same rate. Since the property is of much importance being situated in a junction, we find no reason to interfere with the judgment and decree. Accordingly, we dismiss the appeal.

Parties will bear their respective costs in the appeal.

Sd/-

T.R.RAMACHANDRAN NAIR
(JUDGE)

Sd/-

P.V.ASHA
(JUDGE)

AL/-

True copy

P.A to Judge

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