

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

LA.App..No. 131 of 2013 (C)

AGAINST THE JUDGMENT & DECREE IN LAR 262/2005 ON THE FILE OF THE II
ADDITIONAL SUB COURT,TRIVANDRUM DATED 16-07-2008

APPELLANT/1ST RESPONDENT:-:

STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER P.A.RAZIA

RESPONDENTS/CLAIMANT AND 2ND RESPONDENT:-:

1. R MOHANAN
NOOPURA, TC 23/1144, KOWDIAR
THIRUVANANTHAPURAM - 695 004.

2. THE EXECUTIVE ENGINEER,
SEWERAGE PROJECT DIVISION, OBSERVATORY HILLS
THIRUVANANTHAPURAM - 695 010.

R1 BY ADV. SRI.LAL GEORGE

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

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

L.A.A. No.131 of 2013

Dated this the 16th day of February 2015

JUDGMENT

Ramachandran Nair, J.,

This appeal is filed with a petition for condoning the delay of 1488 days in filing the appeal and the first respondent has filed counter also.

2. The acquisition in this case was for the purpose of construction of a drainage line for the Kerala Water Authority as per Section 4(1) notification dated 15.12.2001. The extent of land involved is 0.32 Ares of land comprised in Re-Survey No.89 of Sasthamangalam Village in Thiruvananthapuram Taluk.

3. The Land Acquisition Officer fixed the land value at the rate of Rs. 81,510/- per Are which was enhanced to Rs.1,5,000/- per Are.

4. Learned counsel for the respondent submitted that the reference court had considered the entire evidence and arrived at a correct market value.

5. We find from the judgment of the reference court that the court below has relied upon the document i.e. item No.5

in the Notes to Award. It was observed by the court below that the said document was rejected by the Land Acquisition Officer stating that it is a fancy price but without making enquiry. Going by the said document the land value is fixed as Rs.1,47,805/- per Are. Accordingly, Rs. 1,50,000/- per Are is awarded as compensation by the Tribunal.

6. Even though, learned Senior Government Pleader for the appellant submitted that it is not the correct method, having regard to the fact that the said document is in respect of an item of property in Sasthamangalam village itself wherein the extent of land involved is 4.10 Ares and it was sold for a consideration of Rs.1,47, 805/-. Rightly, the same was relied upon and hence the land value fixed is reasonable. Apart from the same, the total compensation involved is Rs. 21,917/-. It has already been paid to the claimants also. Therefore, there is no merit in this appeal and accordingly, the appeal is dismissed. The 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