

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

LA.App..No. 164 of 2013 ()

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AGAINST THE JUDGMENT AND DECREE IN LAR 269/2007 of  
II ADDL.SUB COURT,TRIVANDRUM DATED 16-12-2008

APPELLANT/1ST RESPONDENT:

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STATE OF KERALA  
REPRESENTED BY THE DISTRICT COLLECTOR  
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI R.PADMARAJ  
SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL

RESPONDENT(S)/CLAIMANTS & 2ND RESPONDENT:

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1. K.SAHADDEVAN  
A.V.R.A.NO.48, ROHINI, AKSHARAVEEDHI ROAD  
PETTAH, THIRUVANANTHAPURAM FROM DEVA NIVAS  
KOTTATHALA MURI, NEDUVATHOOR, KOTTARAKKARA  
KOLLAM-695 024.

2. A.SUBRAMANYAN  
RESIDING AT SUDHA NIVAS, T.C.31/1529, CHACKAI,  
THIRUVANANTHAPURAM-695 121.

3. THE MANAGING DIRECTOR,  
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT DEVELOPMENT SOCIETY,  
THIRUVANANTHAPURAM.

R1-R2 BY ADV. SRI.BASANT BALAJI

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION  
ON 07-01-2015 ALONG WITH C.O.222/2014, THE COURT ON THE SAME  
DAY DELIVERED THE FOLLOWING:

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

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**L.A.A No.164 of 2013**  
**and**  
**Cross Objection No.222 of 2014**  
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**Dated this the 7<sup>th</sup> day of January, 2015**

**JUDGMENT**

Ramachandran Nair, J.

The State has come up in appeal in L.A.A 164/2013 while the claimants have filed Cross Objection.

2. The land namely 0.50 Ares in extent comprised in Survey No.187/7 of Pettah Village was acquired for the development of International Airport, Thiruvananthapuram and the notification under Section 4(1) is dated 10.08.2004. The Land Acquisition Officer fixed the land value at Rs.1,21,507/- per Are, which has been enhanced by the reference court to Rs.2,96,400/-. The ground taken in the appeal is that reliance placed on Ext.A1 judgment is not correct.

3. In the Cross Objection the claimant has relied upon the judgment in L.A.A No.1145 of 2010 and C.O 110/2010. The learned counsel for the claimant pointed out that this Court in respect of a property acquired for the same purpose under the

same notification fixed the land value at Rs.10 lakhs per Are by the same judgment.

4. We have gone through the judgment in L.A.A No.1145 of 2010 and C.O 110/2010. Therein also, the notification is dated 10.08.2004 and the land value awarded by the Land Acquisition Officer is Rs.1,21,507/- per Are. The Reference Court refixed the land value at Rs.17 lakhs per Are based on Ext.A2 judgment.

5. In para.2 of the judgment, this Court considered various other judgments including the judgments in L.A.A No.605 of 2010 and L.A.A No.673 of 2010. Therein also, this Court had approved the refixation of land value at Rs.10 lakhs per Are and accordingly by adopting the said value, in L.A.A No.1145 of 2010 and C.O 110/2010 also, this Court refixed the land value at Rs.10 lakhs.

6. Since the properties are of similar nature and from the same village and acquired for the same purpose, we are of the view that the said judgment can be relied upon to fix the market value of the land acquired in this case.

We hold that the claimant will be entitled to land value at Rs.10 lakhs per Are. L.A.A No.164 of 2013 is hence dismissed

and Cross Objection No.222 of 2014 is thus allowed. Parties will bear their costs in the appeal and in the Cross Objection.

*Sd/-*  
***T.R.RAMACHANDRAN NAIR***  
***Judge***

*Sd/-*  
***P.VASHA***  
***Judge***

rtr/

/true copy/

P.S to Judge