

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

LA.App..No. 192 of 2013 (C)

AGAINST THE JUDGMENT AND DECREE IN LAR 90/2009 ON THE FILE OF THE
PRINCIPAL SUB COURT, KOZHIKODE DATED 31-03-2012

APPELLANTS/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SPECIAL TAHSILDAR (LA)
KOZHIKODE.

2. THE EXECUTIVE ENGINEER,
PWD ROADS DIVISION, KOZHIKODE.

BY SR.GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENT/CLAIMANT:

SUBAIDA
W/O.MUHAMMED KUTTY, NAINAM VALAPPIL HOUSE, P.O.KALLAI
KOZHIKODE DISTRICT-673003.

R BY ADV. SRI.K.A.SALIL NARAYANAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

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

L.A.A. No.192 of 2013

Dated this the 3rd day of February 2015

JUDGMENT

Ramachandran Nair, J.,

This appeal is filed from the judgment and decree in L.A.R. No. 90/09 on the file of the Principle Sub Court, Kozhikode. The extent involved is 0.0156 Hectares (3.85 cents) of garden land comprised in Re-Survey No. 115-10-282 /2 of Nagaram Village in Kozhikode Taluk which was acquired for the purpose of construction of approach road to Kothi-Pallikkandy bridge.

2. The notification under Section 4(1) was dated 3.8.2005. The Land Acquisition Officer fixed the land value at the rate of Rs. 23,600/- per cent. The reference court has enhanced the land value to Rs.1,50,000/- per cent. Aggrieved by the same, the appeal is filed by the State.

3. We heard the learned Sr. Government Pleader for the State and learned counsel for the respondent.

4. It is pointed out by the learned counsel for the respondent that the disputes have been settled in the Adalath

conducted at Kozhikode under Section 19 of the Legal Services Authorities Act on 9.3.2013 and a copy of the award was made available for perusal, and it relates to E.P. No. 521/2012 in L.A.R. No. 90/2009. The number of the Lok Adalat case is 266/2013,

5. We find from it that the matter is settled for Rs. 12,55,000/-. It is also submitted by the learned counsel for the respondent that the amount has already been paid and decree is satisfied.

6. Learned counsel for the respondent relied upon the judgment of this Court in L.A.A. 351/2012 wherein also, pursuant to the settlement in the Adalath, the subject matter was settled, and after recording it the appeal was dismissed.

7. Even though, the learned Sr.Government Pleader submitted that the appeal can be continued inspite of the settlement, we find that there is no reason to accept the said contention.

Accordingly, the appeal is dismissed. No cost.

Sd/-

T.R.RAMACHANDRAN NAIR
(JUDGE)

Sd/-
P.V.ASHA
(JUDGE)

AL/-

True copy

P.A to Judge