

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 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

L.A.App. No. 243 of 2013 (A)

**(AGAINST THE JUDGMENT AND DECREE IN L.A.R NO. 544/2008 of II ADDL.SUB
COURT, THIRUVANANTHAPURAM DATED 09-04-2012)**

APPELLANT(S)/RESPONDENT:

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

BY SR. GOVERNMENT PLEADER, SRI. R.PADMARAJ

RESPONDENT(S)/CLAIMANT AND 2ND RESPONDENT:

**1. SARAMMA ITTY CHERIA,
T.C.25/1053, LVMRA NO.138, BARTON HILL,
KUNNUKUZHY, THIRUVANANTHAPURAM - 695 037.**

**2. THE SECRETARY,
TRIDA, THIRUVANANTHAPURAM - 695 001.**

**R1 BY ADV. SRI.J.HARIKUMAR
R2 BY ADV. SRI.M.RAJAGOPALAN NAIR**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
04-02-2015, ALONG WITH C.O. NO.30/2013, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

P.T.O.

St/-

T.R.RAMACHANDRAN NAIR

&

P.V.ASHA, JJ.

**L.A.A No.243 of 2013 &
Cross Objection No.30 of 2013**

Dated this the 4th day of February, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed from the judgment and decree in L.A.R No.544/2008 of the II Additional Sub Court, Thiruvananthapuram. The acquisition was for the purpose of widening of LMS - Attakulangara road, as per Section 4(1) notification dated 07.08.2004. The extent of land involved is 0.82 Ares in Sy. No.1244/12 of Vanchiyoor Village and the Land Acquisition Officer fixed the land value at Rs.4,11,665/- per Are.

2. The Reference Court has granted the enhanced land value at Rs.24,00,000/- per Are.

3. In the Cross Objection, the claimant has claimed enhancement by fixing the land value at Rs.28,00,000/- per Are.

4. The learned Senior Government Pleader has relied upon various judgments of this Court, including the judgment of this Bench in L.A.A No.77/2013. Therein, the notification under Section 4(1) is dated 07.08.2004 and the land value fixed by the Land Acquisition Officer was at the rate of Rs.4,11,665/- per Are. We had relied upon the judgment in L.A.A. No.2008/2008 wherein this Court had fixed the land value at Rs.24,00,000/- and accordingly we had re-fixed the land value to Rs.24,00,000/-.

5. Herein, the acquisition is for the same purpose and the notification is also on the same date. Therefore, there is no scope for variance and the appeal is dismissed.

6. The learned counsel appearing for the Cross Objector submitted that the Cross Objection is not pressed. Since the Cross Objection is dismissed as not pressed without holding any investigation, the claimant is entitled for re-fund of one half of the court fee paid on the Cross Objection. Shri J. Harikumar, the learned counsel then submitted that the claimant is aged 83 and unable to travel to collect the cheque for the court fee to be refunded and the cheque may be issued

in her name and under due authorization and the same may be allowed to be accepted by the learned counsel. We find that the request is genuine and accordingly, we direct the Registry to issue crossed cheque in her name and the same be allowed to be collected by the learned counsel for the cross objector. No costs.

Sd/-
T.R.RAMACHANDRAN NAIR
JUDGE

Sd/-
P.V.ASHA
JUDGE

//true copy//

P.S. To Judge

St/-