

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

L.A.A.No. 270 of 2013 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 169/2006 ON THE FILE OF THE
II ADDL.SUB COURT,TRIVANDRUM DATED 30-01-2010

APPELLANTS/RESPONDENTS:

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

2. THE EXECUTIVE ENGINEER
KSTP, PULAMON, KOTTARAKKARA.

BY ADVS.GOVERNMENT PLEADER SRI.PADMARAJ

RESPONDENTS/CLAIMANTS :

1. LALITHA DEVI
D/O.SUSEELA DEVI, MANICKAL MURI, NELLANADU. 695 615.

2. SOMASEKHARAN NAIR
S/O.NARAYANA PILLAI, TIRUVONAM, PANTHALACODE
VEMBAYAM VILLAGE. 695 615.

R1 BY ADV. SRI.M.RAJAGOPALAN NAIR

R1 BY ADV. SRI.G.BIJU

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
05-03-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

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

L.A.A. No.270 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. 169/06 on the file of the IInd Additional Sub Court, Thiruvananthapuram. Herein, the property was acquired for the purpose of upgradation of Thykkode-Kottarakkara State Highway as per notification under Section 4 (1) dated 7.1.2004. The Land Acquisition Officer fixed the land value at the rate of Rs. 51,768/- per Are including for the property in category B. The reference court has granted enhancement and refixed the land value to Rs. 3,70,644/- per Are.

2. We heard the learned counsel on both sides.

3. It is seen from the judgment that the reference court has relied upon various aspects and claimants evidence was also

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there and the learned counsel for the respondent submitted that the property is situated in Pothencode junction itself. It is clear from the internal page 10 of the judgment that the court found that the acquired property is only 200 metres away from the Pothencode junction very near to N.H. and Ext.A1 document showed that there is sale consideration of Rs. 3,70,644/- per Are. In our judgment in L.A.A. No. 102/2013 in respect of a similar item of property where enhancement is at Rs. 7 lakh per Are, we have dismissed the appeal by a separate judgment. Hence the market value fixed is reasonable. Therefore, the judgment herein of the reference court is confirmed and the appeal is accordingly dismissed.

There will be no order as to costs in this appeal.

Sd/-

**T.R.RAMACHANDRAN NAIR
(JUDGE)**

**Sd/-
P.V.ASHA
(JUDGE)**

AL/-

True copy

P.A to Judge