

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

LA.App..No. 308 of 2013 ()

AGAINST THE JUDGMENT IN LAR 67/2010 of SUB COURT, THODUPUZHA DATED
26-09-2012

APPELLANT(S)/RESPONDENTS IN LAR:

1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI

2. THE EXECUTIVE ENGINEERF,
PWD ROADS DIVISION, IDUKKI

BY GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENTS/CLAIMANTS IN LAR:

1. P.K.SURESH,
S/O KELA, VAISHNAVAM, PALATHINKAL
KOLANI 685584

2. SMT. LETHA SURESH,
W/O P.K. SURESH, VAISHNAVAM, PALATHINKAL
KOLANI 685584

R1 & 2 BY ADV. SRI.JOHNSON MANAYANI

R1 & 2 BY ADV. SRI.JEEVAN MATHEW MANAYANI

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

L.A.A.No.308 of 2013

Dated this the 23rd day of July, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment and decree in L.A.R.No.67/2010 on the file of the Sub Court, Thodupuzha.

2. We heard the learned Senior Government Pleader for the State Sri.R.Padmaraj and the learned counsel for the respondents Sri.Johnson Manayani.

3. The acquisition is for the purpose of approach road to Irrukkumpuzha bridge and the land acquired is having an extent of 0.0134 hectars comprised in Sy.No.320/1-8 of Thodupuzha village. The notification under Section 4(1) was published on 24.10.2008 and the land acquisition officer fixed the land value at ₹73,400/- per Are. The same has been enhanced by the reference court to ₹1,90,000/- per Are.

4. Going by the evidence, it can be seen that AW1 was examined on the side of the claimants and Exts.A1 to A6 have been marked and on the side of the respondents Exts.R1 to R3 have been marked. Exts.X1 and X1

(a) are the court exhibits. While considering the matter, the reference court relied upon the judgment in L.A.R.No.54/2010 and refixed the land value at ₹1,90,000/- after finding that the properties are similar and similarly situated.

5. We had the advantage of referring to the judgment of this Court in L.A.A.No.348/2012 which is from L.A.R.No.13/2010. The reference court had granted enhancement at the same rate and the appeal stands dismissed by the judgment of the Division Bench dated 29.06.2012.

In the light of the fact that the land value as granted by the reference court has been upheld by this court in the said case and since properties are said to be similar and since the acquisition is for the same purpose, we will be justified in relying upon the said judgment. Therefore, there is no scope for interference in this appeal. Accordingly, the appeal is dismissed. There will be no order as to costs.

T.R.RAMACHANDRAN NAIR, JUDGE

sv.

K.P.JYOTHINDRANATH, JUDGE