

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

LA.App..No. 312 of 2013 ()

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IN LAR 964/2009 of II ADDL.SUB COURT, TRIVANDRUM
DATED 28-09-2012
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APPELLANT(S)/APPELLANT/CLAIMANT:

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L.S.GEETHA, AGED 42 YEARS
D/O.LALITHA, KEZHEPARAMBU VILAKATHU VEEDU
PEDIKKATTU MURI, ULLOOR, THIRUVANANTHAPURAM-**

BY ADV. SRI.J.HARIKUMAR

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:

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- 1. STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR
THIRUVANANTHAPURAM-695004.**
 - 2. THE EXECUTIVE ENGINEER
PWD ROADS DIVISION, THIRUVANANTHAPURAM-695004.**

BY SENIOR GOVERNMENT PLEADER SRI.R.PADMARAJ

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

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

L.A.Appeal.No.312 of 2013

Dated this the 12th day of August, 2015

JUDGMENT

T.R.Ramachandran Nair, J.

This appeal is filed by the appellant from the judgment and decree in L.A.R.No.964/2009 on the file of the 2nd Additional Sub Court, Thiruvananthapuram.

2. The property was acquired for the purpose of development of Ullor-Akkulam-Kuzhivila-N.H. Bypass Road Reach-1. The notification under Section 4(1) of the Land Acquisition Act was published on 01-06-2007. The land value fixed by the Land Acquisition Officer is at the rate of Rs.2,47,198/- per Are, which has been enhanced to Rs.24,17,100/- per Are by the Reference court.

3. Heard both sides.

4. The learned counsel for the appellant submitted that in enhancing the land value, the Reference court relied upon the judgment Ext.A3 in

L.A.A.No.331/2012. Going by paragraph 11 of the judgment, the Reference court has further relied upon the judgment in L.A.R.No.958/2009.

5. As per as the said judgment is concerned, the same was the subject matter of L.A.A.No.162/2013, wherein this Court has re-fixed the land value by a separate judgment at the rate of Rs.32,90,000/- per Are. The above amount has been fixed after adopting a reasonable percentage for escalation due to the gap in the respective notification issued under Sec.4(1) of the Act.

6. Here in this appeal, the claimants claim Rs.33,00,000/- per Are as the land value on the same ground. We therefore adopt the same method herein also, since the properties are similarly placed and are acquired for the same purpose and are situated in the same locality.

Accordingly, the appeal allowed. The land value for the acquired property is fixed as Rs.32,90,000/- (Rupees Thirty two lakhs ninety thousand only) per Are. The claimant will be entitled for all the statutory benefits

as granted by the reference court. Parties will suffer their costs in the appeal.

Sd/-
T.R.RAMACHANDRAN NAIR,
JUDGE

Sd/-
K.P.JYOTHINDRANATH,
JUDGE

VS

/TRUE COPY/

PA TO JUDGE