

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

LA.App..No. 373 of 2013 ()

**AGAINST THE ORDER/JUDGMENT IN LAR 178/2009 of SUB COURT,
MUVATTUPUZHA DATED 29-10-2011**

APPELLANTS/RESPONDENTS:

1. STATE OF KERALA

**2. THE EXECUTIVE ENGINEER,
MUVATTUPUZHA VALLY IRRIGATION PROJECT, DIVISION NO.3
MUVATTUPUZHA**

BY ADV. GOVERNMENT PLEADER, SRI.EGGY N. ELIAS.

RESPONDENT/CLAIMANT:

**UNNI, S/O.DAMODHARAN, VAIKKATHUKUNNEL,
KALOORKADU - 686 668.**

**R1 BY ADV. SRI.MATHEW JOHN (K)
R1 BY ADV. SRI.DOMSON J.VATTAKUZH**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.B.SURESH KUMAR, J.

L.A.A.No.373 OF 2013

Dated this the 13th day of February, 2015

J U D G M E N T

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The judgment in LAR No.178 of 2009 on the file of the Court of the Subordinate Judge, Moovattupuzha, is under challenge in this appeal.

2. An extent of 3.30 Ares of land comprised in Survey No.859/2-6 of Kalloorkkadu Village was acquired from the respondent for the construction of Madakkathanam Distributory of Muvattupuzha Valley Irrigation Project. The notification under Section 4(1) of the Land Acquisition Act in connection with the said acquisition was published on 31.3.2006. The Land Acquisition Officer fixed the land value at the rate of Rs.2,270/- per Are and the reference court refixed the land value by giving 100% enhancement. The State is aggrieved by the said decision of the reference court and hence this appeal.

3. It is seen from the impugned judgment that a batch of land acquisition reference cases in relation to the properties covered by the notification referred to above, including LAR

No.178/2009 were clubbed together and disposed of by a common judgment.

4. The learned counsel for the claimant pointed out that the judgment in L.A.R.No.180/2009, which was disposed of along with L.A.R.No.178/2009, was set aside by this Court and the matter was remitted to the reference court for fresh disposal, as per the judgment in L.A.A.No.467/2013. The land value fixed in LAR No.180/2009 and LAR No.178/2009 are one and the same. In the light of the judgment of this Court in L.A.A.No.467/2013, the impugned judgment is also liable to be set aside.

In the above circumstances, this appeal is allowed, the impugned judgment is set aside and L.A.R.No.178/2009 is remitted for fresh disposal in accordance with the direction contained in the judgment in L.A.A.No.467/2013.

**Sd/-**

**P.B.SURESH KUMAR, JUDGE.**

ps/13/2/2015