

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. 500 of 2013 ()

**IN LAR 969/2009 of II ADDL.SUB COURT, TRIVANDRUM
DATED 29-10-2012**

APPELLANT(S)/APPELLANT/CLAIMANT:

**DIVAKARAN,
S/O.GOVINDAN, KEZHEPARAMBU VILAKATHU VEEDU
PEDIKKATTU MURI, ULLOOR, THIRUVANANTHAPURAM.**

BY ADV. SRI.J.HARIKUMAR

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:

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

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.500 of 2013

Dated this the 12th day of August, 2015

JUDGMENT

T.R.Ramachandran Nair, J.

This appeal is filed by the appellants from the judgment and decree in L.A.R.No.969/2009 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) was published on 01-06-2007 and 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 claimants have come up in this appeal by claiming land value at Rs.33,00,000/- per Are. The justification for the same is the time gap between the date of Sec.4(1) notification issued in this case and that of the relied on judgment in L.A.R.No.958/2009.

5. By relying upon the judgment in L.A.R.No.958/2009, now the land value stands enhanced at the rate of Rs.24,17,100/-. In the connected appeal L.A.A.No.162/2013, from the said judgment, we have re-fixed the land value at Rs.32,90,000/- per Are by reckoning the time gap between the notification under Sec.4(1) of the Act. The claimant also will be entitled for the same value, since the properties are similarly situated and were acquired by the same notification under Sec.4(1) of the Act.

Accordingly the appeal is allowed. The land value is re-fixed as Rs.32,90,000/-(Rupees Thirty two lakhs ninety thousand only) per Are and we also make it clear that the appellant will be entitled for all the statutory benefits as granted by the reference court. Parties will suffer their cost in the appeal.

Sd/-
T.R.RAMACHANDRAN NAIR,
JUDGE

Sd/-
K.P.JYOTHINDRANATH,
JUDGE

VS