

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

LA.App..No. 559 of 2013 ()

**(AGAINST THE JUDGMENT IN LAR.NO. 48/2008 OF SUB COURT, VADAKARA
DATED 27-01-2009)**

APPELLANT/CLAIMANT :

**MYDHILI, W/O.RAGHAVAN, AGED 64 YEARS,
THEKKECHERUMADATHIL HOUSE,
P.O.PUDUPPANAM, VATAKARA, KOZHIKODE DT.**

**BY ADVS.SRI.V.S.CHANDRASEKHARAN
SMT.RENI RASHEED
SMT.LEKSHMI SWAMINATHAN**

RESPONDENT(S)/RESPONDENTS:

- 1. THE SPECIAL THASILDAR (LA),
NH DIVISION, KOZHIKODE CIVIL STATION.**
- 2. THE EXECUTIVE ENGINEER,
NH DIVISION, KOZHIKODE CIVIL STATION.**

BY GOVERNMENT PLEADER SRI.JOBY JOSEPH

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 04-08-2015, ALONG WITH LAA.NO. 76/2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

sts

P.B.SURESH KUMAR, J.

**L.A.A.Nos.559 of 2013
& 76 of 2015**

Dated this the 4th day of August, 2015

JUDGMENT

The claimants in two land acquisition reference cases under Section 18 of the Land Acquisition Act have come up in these appeals challenging the common judgment in the reference cases.

2. The lands owned by the appellants were acquired for the purpose of construction of Palolipalam bridge. The acquisition of the lands of the appellants was pursuant to the notification dated 10.4.2005 issued under Section 4(1) of the Land Acquisition Act. The Land Acquisition Officer fixed the land value at the rate of Rs.22,290/- per cent and the Reference Court enhanced the land value to Rs.37,500/- per

cent. Dissatisfied with the aforesaid enhancement, the appellants have come up in this appeal.

3. It is seen that a batch of land acquisition reference cases have been disposed of by the common judgment impugned in this appeal. The impugned common judgment includes the decision in L.A.R.No.24 of 2008 as well. As against the decision in L.A.R.No.24 of 2008, the claimant therein preferred L.A.A.No.199 of 2011 and this Court as per judgment dated 24.4.2011, enhanced the land value from Rs.37,500/- per cent to Rs.45,000/- per cent. In the light of the decision taken by this Court in L.A.A.No.199 of 2011, the land value payable to the appellants is liable to be revised.

In the result, the appeals are allowed and the land value granted to the appellants is refixed at Rs.45,000/- per cent. The appellants will be entitled for all statutory benefits admissible under Section 23(2), 23(IA) and Section 28 of

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the Act on the total refixed compensation to which they become eligible by virtue of this judgment.

P.B.SURESH KUMAR, JUDGE.

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