

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR  
&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

LA.App..No. 664 of 2013 ()  
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AGAINST THE JUDGMENT IN LAR 93/2007 ON THE FILE OF THE II ADDL.SUB  
COURT,TRIVANDRUM DATED 26-06-2010

APPELLANT(S) /CLAIMANT:  
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SEKHARAN  
S/O.GEORGE MELEMADATHIL KUZHI PUTHEN VEEDU  
KADIYAKONAM LANE KODUNGANOR P.O. THIRUVANANTHAPURAM.

BY ADVS.SRI.R.S.KALKURA  
SRI.M.S.KALESH  
SRI.HARISH GOPINATH  
SMT.A.V.PRIYA  
SRI.V.VINAY MENON  
GENS GEORGE  
HARIKRISHNAN G.

RESPONDENTS/RESPONDENTS:  
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1. THE STATE OF KERALA  
REPRESENTED BY THE DISTRICT COLLECTOR  
THEIRUVANANTHAPURAM -695001

2. THE CHIEF CONSTRUCTION ENGINEER,  
CIVIL ENGINEERING DIVISION THIRUVANANTHAPURAM -695001.

R2 BY ADV. SRI.TPM.IBRAHIM KHAN,SENIOR PANEL COUNSEL  
R1 BY SR. GOVERNMENT PLEADER SRI. PADMARAJ.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

**T.R.RAMACHANDRAN NAIR &  
P.V.ASHA, JJ.,**

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L.A.A. No.664 of 2013  
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Dated this the 22<sup>nd</sup> day of January 2015

**JUDGMENT**

**Ramachandran Nair, J.,**

This appeal is filed by the claimant in L.A.R. No. 93/2007 on the file of the 2<sup>nd</sup> Additional Sub Court, Thiruvananthapuram. The property was acquired for the purpose of IISU. The extent of land involved is 12.40 Ares in R.S. No.567/9 of Peroorkada Village. The notification under Section 4(1) was issued on 22.4.2004. The Land Acquisition Officer awarded land value at the rate of Rs. 44,370/- per Are which is enhanced to Rs. 80,000/- per Are by the reference court.

2. We heard the learned Sr.Government Pleader for the State and learned counsel for the appellant.

3. In the judgment in L.A.A. Nos. 568/12 and 587/2014, we have refixed the land value at the rate of Rs. 5 lakh per Are for similar items of property. Therein also the notification under Section 4(1) is dated 22.4.2004 and the property acquired is also in Peroorkada village in R.S. No. 567/9. The land value fixed

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by the Land Acquisition Officer is at the rate of Rs. 45,370/- per Are.

4. In the light of the above, we are of the view that the claimants are also entitled for the market value at the same rate. Accordingly, we allow the appeal and the appellants will be entitled to land value at the rate of Rs. 5 lakh per Are and also are entitled for all the statutory benefits as granted by the reference court.

5. Even though, the learned counsel for the appellant submitted that the Land Acquisition officer has not granted due amount towards value of trees viz., coconut trees, in the appeal, as there is no such claim, we reject the said prayer.

The appeal is allowed accordingly and no costs.

Sd/-  
**T.R.RAMACHANDRAN NAIR**  
**(JUDGE)**

Sd/-  
**P.V.ASHA**  
**(JUDGE)**

AL/-

True copy

P.A to Judge

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The following sentence is added after the judgment dated 22/01/2015 in L.A.A.664/2013, vide order dated 15/07/2015 in L.A.A.664/2013.

**“In the light of the fact that the CMCP is allowed and the appellant was allowed to sue as an indigent person, we exempt the appellant from paying the court fee.”**

**Sd/-  
Registrar (Judicial)**