

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. 698 of 2013 ()

**IN LAR 142/2010 of I ADDL.SUB COURT, TRIVANDRUM
DATED 29-05-2012**

APPELLANT(S)/CLAIMANTS:

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1. K.VILASINI
KEEZHA PARAMBUVILAKATHU VEEDU, (GOKULAM
TC. 1/63) CHERUVAICKAL, ULLOOR, AKKULAM ROAD
THIRUVANANTHAPURAM.
 2. V.S.SURESH, --DO-- --DO--
 3. V.S.BEENA, --DO-- --DO--
 4. V.S.RAJESH, --DO-- --DO--

BY ADV. SRI.J.HARIKUMAR

RESPONDENT(S)/RESPONDENTS:

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1. STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR
THIRUVANANTHAPURAM - 695 001.
 2. THE EXECUTIVE ENGINEER, PWD (ROADS)
THIRUVANANTHAPURAM - 695 001.

R1 BY SENIOR ADV. 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.698 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.142/2010 on the file of the 1st 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. 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.10,00,000/- per Are by the Reference court.

3. Heard both sides.

4. The reference court has considered various aspects in Paragraph No.6 of the judgment and finally

concluded that the claimants will be entitled for the enhanced land value. The appellants are claiming enhancement further, on various grounds.

5. We have re-fixed the land value in respect of the same acquisition as Rs.32,90,000/- per Are by the judgment in L.A.A.No.162/2013. Since the properties herein are similarly placed and were acquired for the same purpose and are situated in the same locality, the claimant will be entitled for the same value. But herein the claimant has claimed land value only at the rate of Rs.27,00,000/- and court fee has been paid accordingly.

Therefore we re-fix the land value for the acquired property at the rate of Rs.27,00,000/-(Rupees Twenty seven lakhs only) per Are in this case and the appeal is allowed accordingly. The claimants will be entitled for all the statutory benefits granted by the reference court. There is a delay of 356 days in filing the appeal. We make it clear that the claimants will not be entitled for interest under Section 28 of the Land Acquisition Act for the enhanced compensation fixed by

this Court for the above period. 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