

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. 47 of 2014 ()

**IN LAR 39/2010 of II ADDL.SUB COURT, TRIVANDRUM
DATED 30-03-2013**

APPELLANT(S)/APPELLANTS/ADDL.CLAIMANTS 2 TO 4:-:

- 1. MAHESWARI,
W/O.THE LATE GOPINATHAN
KEZHEPARAMBU VILAKATHU VEEDU, PEDIKKATTU MURI, ULLOOR
THIRUVANANTHAPURAM.**
- 2. M.G.ANEESH,
S/O.THE LATE GOPINATHAN, RESIDING AT DO-DO-**
- 3. M.G.MAHESH,
S/O. THE LATE GOPINATHAN, RESIDING AT DO-DO.**

BY ADV. SRI.J.HARIKUMAR

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:-:

**STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR
THIRUVANANTHAPURAM - 695 001.**

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.47 of 2014

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.39/2010 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. Herein the land value was re-fixed as Rs.24,17,100/-, by relying upon Ext.A4 judgment in L.A.R.No.958/2009. In the appeal from the said judgment in L.A.A.No.162/2013, we have re-fixed the land value at

the rate of Rs.32,90,000/- per Are by a separate judgment. Since the properties are similarly placed and were acquired for the same purpose and are situated in the same locality, the claimants will be entitled for the same value.

5. Here in the appeal, the appellants have raised a claim for Rs.29,00,000/- per Are and court fee has been paid accordingly.

Therefore, we re-fix the land value at the rate of Rs.29,00,000/-(Rupees Twenty nine lakhs only) per Are. The claimant will be entitled for all the statutory benefits as granted by the reference court. Parties will suffer their costs in the appeal.

Sd/-
T.R.RAMACHANDRAN NAIR,
JUDGE

Sd/-
K.P.JYOTHINDRANATH,
JUDGE

VS