

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

LA.App..No. 66 of 2014 ()

AGAINST THE ORDER/JUDGMENT IN LAR 66/2011 of SUB COURT, MUVATTUPUZHA
DATED 13-06-2013

APPELLANT(S) /RESPONDENTS:

1. STATE OF KERALA.

2. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT (ROADS DIVISION),
MUVATTUPUZHA.

BY SR.GOVERNMENT PLEADER SRI.L.ALOSIOUS THOMAS

RESPONDENT(S) /CLAIMANT:

SANTHA,
D/O. JANAKI AMMA, CHEMBAKAMADATHIL HOUSE,
RAMAMANGALAM KARA, MARADY - 686 673.

R1 BY ADV. SRI.T.A.UNNIKRISHNAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R.RAMACHANDRA MENON
&
ANIL K.NARENDRA, JJ.**

L.A.A.No. 66 of 2014

Dated this the 30th October, 2015

JUDGMENT

Ramachandra Menon, J.

The appeal is preferred by the State contending that the amount enhanced by the Reference Court by way of judgment and decree in L.A.R.No.66 of 2011 is much on the higher side.

2. The factual circumstances show that an extent of 1.22 Ares of land in Sy.No.379/13-7 in Marady Village in Muvattupuzha Taluk was acquired in connection with improvement of Ernakulam-Thekkady State Highway Nas Road Chainage, pursuant to Section 4(1) notification dated 15.3.2008. The land value was fixed by the Land Acquisition Officer as ₹3,85,006/- per Are, based on Exhibit A2 judgment in L.A.R.No.18 of 2010. Contending that the verdict passed in L.A.R.No.18 of 2010 has not become final, having been challenged by way of LAA.346 of 2012, this appeal came to be filed.

3. Heard the learned Senior Government Pleader as well as the learned counsel appearing for the respondent-claimant. During the hearing it is brought to the notice of this Court that L.A.A.No.346 of 2012 arising out of L.A.R.No.18 of 2010 has been finalised by this Court as per judgment dated 6.11.2014, whereby the land value has been reduced by 20% refixing the same as ₹11,10,673.60 per Are. A copy of the said judgment is placed before this Court. It is conceded by both sides that the appeal could be disposed of in terms of the judgment in L.A.A.No.346 of 2012.

4. In the above circumstances, the land value enhanced by the Reference Court stands reduced to ₹11,10,673.60 per Are, which is rounded off to ₹11,10,675/- per Are. It is made clear that the claimant will be entitled to all statutory benefits and that the parties shall bear their costs.

5. Considering the fact that there is no scope for further challenge, as the appeal is being disposed of based on the decision in L.A.A.No.346 of 2012, which has

already become final, and further that the respondent is stated as a person suffering from 'Carcinoma' requiring large amount for meeting the treatment expenses, and further since no condition was imposed by this Court while admitting the appeal on 7.11.2014, unlike other similar cases, wherein deposit of nearly 40% was ordered, this Court finds that the due amount is required to be disbursed to the respondent herein at the earliest. As such, the due amount shall be deposited within 'four months' from the date of receipt of a copy of this judgment.

The appeal is disposed of as above.

P.R.RAMACHANDRA MENON
JUDGE

ANIL K.NARENDRA
JUDGE

vgs2/11/15