

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

LA.App..No. 114 of 2014 ()

LAR.69/2011 OF SUB COURT, KASARAGOD.

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APPELLANT/CLAIMANT:

**ABDUL RAZAK, PRESIDENT IUML,
CHEMBARIKA UNIT, POST CHANDRAGIRI,
KALANAD, KASARAGOD DISTRICT.**

BY ADV. SRI.SURESH KUMAR KODOTH.

RESPONDENTS/REFERRING OFFICER AND RESPONDENT 1 AND 2:

- 1. SPECIAL TAHSILDAR (L.A.),
KASARAGOD, PIN - 671 121.**
- 2. THE EXECUTIVE ENGINEER,
P.W.D, ROADS DIVISION, KASARAGOD - 671 121.**
- 3. THE DISTRICT COLLECTOR,
KASARAGOD - 671 121.**

BY GOVT. PLEADER SRI.EGGY N.ELIAS.

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

P.B. SURESH KUMAR, J.

L.A.A. No.114 of 2014

Dated 20th February, 2015

J U D G M E N T

This is an appeal by the claimant in LAR No.69 of 2011 on the file of the Court of the Subordinate Judge, Kasaragod.

2. An extent of 0.0041 hectares of land in re-survey No.110/11 of Kalanad Village was acquired for the formation of a road. Section 4(1) notification under the Land Acquisition Act in respect of the said acquisition was published on 23.6.2008. The land acquisition officer, after due enquiry, determined the land value at Rs.30,18,340/- per hectare, equivalent to Rs.12,220/- per cent. On a reference, the reference court refixed the land value at Rs.70,000/- per cent, as against the claim of the appellant for land value at the rate of Rs.2,00,000/- per cent. The reference case was disposed of along with a few other references made in respect of properties covered by the very same notification including LAR No.55 of 2011. It is aggrieved by the said fixation of the land value, the appellant has come up in this appeal.

3. Heard the learned counsel for the appellant and the learned Government Pleader for the respondents.

4. LAR No.55 of 2011 referred to above was also a case where the Land Acquisition Officer fixed the land value at Rs.12,220/- and the reference court enhanced the same to Rs.70,000/-. The decision in LAR No.55 of 2011 was challenged in appeal before this Court in LAA No.68 of 2014 by the claimant on the ground that the fixation of land value is incorrect and inadequate. LAA No.68 of 2014 was dismissed on 25.6.2014, holding that the land value fixed by the reference court is just and reasonable.

In the light of the decision of this Court in LAA No.68 of 2014, this appeal is also liable to be dismissed and I do so.

Sd/-

P.B. SURESH KUMAR, JUDGE

tgs

The judgment dated 20.2.2015 in L.A.A.114/2014 is recalled vide order dated 26.6.2015 in L.A.A.114/2014.

Sd/- Registrar (Judicial)