

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

LA.App..No. 175 of 2014 ()

LAR. 5/2011 OF SUB COURT, CHERTHALA.

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APPELLANTS/RESPONDENTS IN LAR:

- 1. STATE OF KERALA,
REP. BY THE SPECIAL TAHSILDAR LA (GENERAL),
ALAPPUZHA.**
- 2. THE EXECUTIVE ENGINEER,
PWD ROADS DIVISION, ALAPPUZHA.**

BY GOVT. PLEADER SRI.EGGY N.ELIAS.

RESPONDENTS/CLAIMANTS IN LAR:

- 1. JAMES,
S/O.JOHN, MULLEPARAMBIL, EDAKOCHI MURI,
PULLURUTHY VILLAGE, ERNAKULAM- 682 006.**
- 2. VAVACHAN XAVIER,
ARACKAL (MANGALATHU), EZHUPUNNA MURI,
EZHUPUNNA- 688 537.**

BY ADV. SRI.T.JAYAKRISHNAN.

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 16-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

P.B.SURESH KUMAR, J.

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L.A.A.No.175 of 2014.

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Dated this the 16th day of July, 2015.

J U D G M E N T

This appeal is preferred against the decision in L.A.R.No.5 of 2011 on the file of the Sub Court, Cherthala. L.A.R.No.5 of 2011 was disposed of by the Reference Court along with a few other Land Acquisition Reference cases arising out of the same notification including L.A.R.No.9 of 2011, by a common judgment. The appeal preferred before this Court by the State against the decision in L.A.R.No.9 of 2011 as L.A.A.No.234 of 2014 was allowed and the said Reference Case was remitted for fresh disposal. It was held by this Court in the said case that the fixation of the land value made by the Reference Court on the basis of the fair value fixed by the Government under the Kerala Stamp Act was improper. The land value is seen fixed in this case also based on the fair value of the property. In the said

circumstance, the impugned judgment is also liable to be set aside.

2. In the result, this appeal is allowed and the impugned decision is set aside. The matter is remitted to the court below for fresh disposal in accordance with law, after giving the parties an opportunity to adduce fresh/further evidence in the matter.

**Sd/-
P.B.SURESH KUMAR,
(JUDGE)**

Kvs/-

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PA TO JUDGE.