

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

LA.App..No. 842 of 2013 ()

AGAINST THE JUDGMENT IN LAR 143/2005 of II ADDL.SUB
COURT, THIRUVANANTHAPURAM DATED 21-10-2009

APPELLANT/CLAIMANT:- :

MARY HESSEL COSMEA
TC 27/414, GENERAL HOSPITAL ROAD, THIRUVANANTHAPURAM
REPRESENTED BY POWER OF ATTORNEY HOLDER
A.P.ARCHIBALD, ETHALAM, TC 27/415
GENERAL HOSPITAL ROAD, THIRUVANANTHAPURAM.

BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.GOVIND PADMANAABHAN

RESPONDENTS/RESPONDENTS:- :

1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM.

2. THE SPECIAL TAHSILDAR,
ADDITIONAL LA UNIT, COLLECTORATE, THIRUVANANTHAPURAM.

R1 BY ADV. GOVERNMENT PLEADER SRI.R.PADMARAJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.**

L.A.A.No.842 OF 2013

Dated this the 27th day of February, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the claimant seeking for enhancement of compensation. The extent of land involved is 1.18 Ares in Sy.No.2731/1 of Vanchiyoor village. The property was acquired for the purpose of widening Palayam-Pattoor road. The notification under Section 4(1) of the Act was published on 28.11.2003. The land acquisition officer awarded land value @ ₹2,71,107.20 per Are which was enhanced by the reference court to ₹15 lakhs per Are. The appeal is filed seeking enhancement by ₹17 lakhs.

2. We heard the learned counsel for the appellant and the learned Senior Government Pleader.

3. The learned counsel for the appellant relied upon the judgment in L.A.A.No.133/2010 by a Division Bench of this court. Therein also, the property was acquired for the same purpose as per the same notification. The land value awarded by the land acquisition officer and enhanced by the

reference court are of the same rate. This Court finally fixed land value of the land under acquisition therein at ₹17 lakhs per Are. Since features of the property acquired therein and that of the acquired property herein are the same and they are also acquired as per the very same notification and the land value fixed by the land acquisition officer is at the same rate, the claimant herein is entitled for enhancement of land value. Accordingly, we allow the appeal and the land value is refixed at ₹17 lakhs per Are for the property acquired. The appeal is accordingly allowed.

The appeal is filed with a petition to condone the delay of 1147 days and while condoning the delay as per order dated 9.2.2015 in C.M.Appln.No.1058/2013, we made it clear that the claimant will not be entitled for interest for the said period. We reiterate the same and the claimant will not be entitled for interest under Section 28 of the Act for the above period and the grant of statutory benefits on other counts will be subject to the above restriction. The parties will bear their costs in this appeal.

T.R.RAMACHANDRAN NAIR, JUDGE

sv.

P.V.ASHA, JUDGE