

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

**LA.App..No. 566 of 2009 ( )**

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(AGAINST THE ORDER/JUDGMENT IN LAR 21/1997 of II ADDL.SUB  
COURT,TRIVANDRUM DATED 23-07-2008)

APPELLANT/RESPONDENT.:

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STATE OF KERALA REPRESENTED BY THE  
DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

BY ADV. SR. GOVERNMENT PLEADER Mr. R. PADMARAJ.

RESPONDENT/CLAIMANT.:

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MOHAMMED HANEEFA MAJEED, KUTTIVILAKATHU  
KLB MANZIL, ATTIPRA VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.SUJESH KUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
03-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R. RAMACHANDRA MENON  
&  
K. HARILAL, JJ.**

.....  
**C.M. APPLICATION No.713 OF 2009  
&  
L.A.A.No.566 OF 2009**  
.....

**Dated this the 3<sup>rd</sup> September, 2015**

**J U D G M E N T**

**P.R. Ramachandra Menon, J**

Challenge is against the judgment and decree dated 23.07.2008 in LAR No. 21 of 1997 of the II Addl. Sub Court, Thiruvananthapuram. Since there is delay of 42 days in filing the appeal, the same is sought to be condoned by filing C.M. Application. Notice was ordered in the C.M. Application for condoning the delay, at the same time ordering notice on admission in the appeal on 05.06.2009. Despite completion of service of notice, there is no appearance on behalf of the respondent/claimant. Considering the explanation offered in the affidavit filed in support of the application, delay is condoned.

2. However, coming to the merits involved, the learned Senior Government Pleader appearing for the appellant/State submits that the verdict under challenge has been passed on

the basis of Ext.A1 judgment in LAR No.153/94 of the I Addl.Sub Court, Thiruvananthapuram. The property involved in Ext.A1 is category III, whereas the property involved herein is category I. Appropriate enhancement has been ordered with reference to the nature, location and potential value of the property . It is also brought to the notice of this Court that Ext.A1 judgment has become final, having not been subjected to challenge by filing any appeal.

In the said circumstance, this Court finds that the value fixed by the Reference Court in respect of the property involved herein with reference to Ext.A1, is not liable to be varied or modified under any circumstance. In other words, no purpose will be served by simply admitting the matter. As such, interference is declined and the appeal stands dismissed.

**P.R. RAMACHANDRA MENON,  
JUDGE**

**K. HARILAL,  
JUDGE**