

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR  
&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

LA.App..No. 587 of 2009 ( )  
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AGAINST THE JUDGMENT IN LAR 247/2000 of ADDL.SUB COURT, THALASSERY  
DATED 30-05-2008

APPELLANT/CLAIMANT  
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KANDIYATH LAKSHMANAN  
AGED 52 YEARS, COOLIE, ANAKUZHY HOUSE  
P.O. ELAMPARA, THALASSERY TALUK, KANNUR DIST.(DIED)

ADDITIONAL APPELLANTS

2. A.LAKSHMI, W/O KANDIYATH LAKSHMANAN  
AGED 58 YEARS, VELLUVAKKANDY HOUSE  
MUTTANNUR, EDAYANNUR  
P.O.KEEZHALLUR, PIN 670 595  
IRITTY TALUK, KANNUR DISTRICT

3. A.BIJU, S/O KANDIYATH LAKSHMANAN  
AGED 36 YEARS, VELLUVAKKANDY HOUSE  
MUTTANNUR, EDAYANNUR  
P.O.KEEZHALLUR, PIN 670 595  
IRITTY TALUK, KANNUR DISTRICT

4. A.MINI, D/O KANDIYATH LAKSHMANAN  
AGED 32 YEARS, VELLUVAKKANDY HOUSE  
MUTTANNUR, EDAYANNUR  
P.O.KEEZHALLUR, PIN 670 595  
IRITTY TALUK, KANNUR DISTRICT

\* LEGAL REPRESENTATIVES OF DECEASED SOLE APPELLANT IMPEADED  
AS ADDITIONAL APPELLANTS AS THE AS PER ORDER DATED 22.7.2015  
IN I.A.NO.874/2015.

BY ADV. SRI.R.SURENDRAN

RESPONDENT/RESPONDENT:

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SPECIAL TAHSILDAR (LA) AIRPORT, KANNUR  
KANNUR , MATTANNUR, KANNUR DIST.

BY GOVERNMENT PLEADER SRI.R.PADMARAJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &  
K.P.JYOTHINDRANATH, JJ.**

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**L.A.A.No.587 OF 2009**  
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Dated this the 28<sup>th</sup> day of July, 2015

**JUDGMENT**

Ramachandran Nair, J.

This appeal is from the judgment and decree in L.A.R.No.247/2000 on the file of the Additional Subordinate Judge's Court, Thalassery. The claimant herein is the appellant. The appeal was filed initially by claiming enhancement at ₹25,250/- and the valuation has been permitted to be amended and going by the present valuation, the amount claimed is @ ₹1,000/- per cent over and above the amount awarded by the reference court.

2. The property involved is having an extent of 0.2024 hectares of land comprised in R.S.No.18/1 of Keezhallur village. It was acquired for the construction of Kannur airport as per notification under Section 4(1) dated 9.3.1998. The land value fixed is at the rate of 468/- per cent. The reference court has granted land value @ ₹1500/- per cent.

3. Heard the learned counsel for the appellant and the learned Senior Government Pleader for the State.

4. The reference court found that acquired land is situated 5 km. away from Mattannur town and the property contained cashew cultivation. Exts.A1 to A4 documents have been produced by the appellant before the reference court. The reference court after considering the documents found that Exts. A3 and A4 are not helpful to fix land value and finally fixed the same at ₹1,500/- per cent.

5. The learned counsel for the appellant submits that this Court has fixed the market value as regards the acquired property in a connected case, in the judgment in L.A.A.No.586/2009 at ₹2,500/- per cent. It is submitted that the said property is in the same village and the properties are similar as they are garden lands.

6. After having considered the land value fixed in the said case, we feel that it is only appropriate to fix land value at the same rate namely ₹2,500/- per cent in this case also.

Accordingly, the appeal is allowed. We fix the land value of the acquired property at ₹2,500/- per cent and as the claimant has already

been granted land value @ ₹1,500/- per cent, there will be an enhancement @ ₹1,000/- per cent in this appeal. The claimant will also be entitled to all the statutory benefits as granted by the reference court. The appeal was admitted after condoning the delay of 139 days, on a specific condition that if the appeal is allowed, the appellant will not be entitled for interest under Section 28 for the period covered by the delay. We confirm the same. The statutory benefits will be granted subject to the above. The parties will suffer their costs in this appeal.

**T.R.RAMACHANDRAN NAIR, JUDGE**

**K.P.JYOTHINDRANATH,JUDGE**

SV.