

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

LA.App..No. 610 of 2011 ()

AGAINST THE AWARD IN LAR 132/2008 ON THE FILE OF THE PRINCIPAL SUB
COURT, KOTTAYAM DATED 14-02-2011

APPELLANT/CLAIMANT:

JOHN, S/O. THOMMAN,
PUTHURAYALINCHUVATTIL HOUSE, MULAKULAM VILLAGE
VAIKOM.

BY ADV. SRI.THOMAS K.C.KUNNATHOOR

RESPONDENT/RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
THE DISTRICT COLLECTOR, KOTTAYAM -686001.

2. THE SPECIAL TAHSILDAR (L.A.),
MVIP, KURUPANTHURA-686661

3. THE EXECUTIVE ENGINEER,
MVIP, DIVISION III, MUVATTUPUZHA-686661

R1 TO R3 BY SR. GOVERNMENT PLEADER SMT.P.A.RAZIA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

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

L.A.A No.610 of 2011

Dated this the 16th day of February 2015

JUDGMENT

Ramachandran Nair, J.,

This appeal is from the judgment in L.A.R. No. 132/08 on the file of the Sub Court, Kottayam.

2. The extent of land involved is 4.94 Ares which was acquired for the purpose of Muvattupuzha Valley Irrigation Project. The Land Acquisition Officer awarded land value at the rate of Rs. 23038/- per Are against the claim of Rs. 75,000/- per cent. The reference court fixed the land value at Rs. 29,948/- per are.

3. The notification under Section 4(1) was dated 28.1.2005. We heard the learned counsel for the appellant and learned Senior Government Pleader for the respondents.

4. The learned counsel for the appellant submitted that in the light of judgment in L.A.A.494/2011, the appellant is entitled to succeed. The said appeal is from the judgment in L.A.R. 131/2008 which was disposed of along with L.A.R. No. 132/08. We find from the judgment that the Division Bench has fixed the land value at the rate of Rs. 33,405/- per Are. In

the light of the fact that the properties are similarly situated, the same land value can be adopted herein also.

5. The appeal is allowed and the market value of the acquired land is fixed at Rs.33,405/- per Are and the appellant will be entitled to all statutory benefits under Sections 23(2), 23(1) A and under Section 28 of the Land Acquisition Act.

6. There was a delay of 112 days in filing the appeal which was condoned on 2.11.2011 in C.M.A. No. 398/2011. This Court had made it conditional that if the appeal is ultimately allowed, the claimant will not be eligible to claim interest for the above period under Section 28 of the Land Acquisition Act. We reiterate the same. The statutory benefits will be granted subject to the above.

The parties will bear their respective costs in the appeal.

Sd/-

T.R.RAMACHANDRAN NAIR
(JUDGE)

Sd/-

P.V.ASHA
(JUDGE)

AL/-

True copy

P.A to Judge