

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

LA.App..No. 337 of 2014 ()

AGAINST THE ORDER/JUDGMENT IN LAR 269/2009 of II ADDL.SUB
COURT,TRIVANDRUM DATED 29-06-2013

APPELLANT(S)/CLAIMANTS:

1. OMANA
W/O.PUSHPANGADAN, KATTAKKAL VEEDU, ATTUVARAMBU
KEZHARANNOOR MURI, KARAMANA (T.C 211/1816, NEDUMCAUD
KARAMANA, THIRUVANANTHAPURAM

2. PADMAKUMAR
S/O.OMANA, S/O.OMANA, RESIDING AT DO DO

3. PRASAD
S/O.OMANA, RESIDING AT DO DO

BY ADV. SRI.J.HARIKUMAR

RESPONDENT(S)/RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR
THIRUVANANTHAPURAM

2. THE EXECUTIVE ENGINEER,
P W D ROADS DIVISION, THIRUVANANTHAPURAM

BY SR.GOVERNMENT PLEADER SHRI R. PADMARAJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29-
07-2015, ALONG WITH LAA. 795/2014, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

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

L.A.A.Nos.337 & 795 of 2014

Dated this the 29th day of July, 2015

JUDGMENT

Ramachandran Nair, J.

These two appeals are from the same judgment in LAR No.269/2009 of the II Addl. Sub Court, Thiruvananthapuram. LAA No.337/2014 is filed by the claimant and LAA No.795/2014 is filed by the State. The properties are acquired for the construction of a bridge across Killi river and Section 4(1) notification was published on 31.3.2005. All the items of properties were divided into different categories by the Land Acquisition Officer and as far as the acquired property herein is concerned, it was included in category A, viz. having main road access. The Land Acquisition Officer fixed the land value at the rate of Rs.1,65,547/- per are which was enhanced to Rs.13,48,620/- per are.

2. Learned Senior Government Pleader submitted that it was wrong on the part of the reference court to rely upon the judgment in

LAR No.280/2009. It is submitted that in LAR No.280/2009 the reference court relied upon Ext.A1 judgment therein, viz. LAR NO.46/2002. In the said case, the land value fixed by the reference court was at the rate of Rs.6,91,600/- per are. It is submitted that the property involved in LAR No.280/2009 was included in E category and since the property herein is in A category, by giving 50% increase to the land value fixed in E category, the amount has been fixed at Rs.13,48,620/-.

3. Today, by a separate judgment we have allowed LAA No.821/2013 which was from LAR No.280/2009. Shri J. Harikumar, learned counsel for the claimant submitted that the claimant had relied upon various other items of evidence also and therefore, if this Court is inclined to remand the matter, the claimant may be allowed to adduce further evidence in the matter.

4. In the light of the fact that we have allowed L.A.A. No.821/2013 and remanded the matter for fresh consideration, it is only proper that the appeals herein are also allowed and the matter remanded for fresh consideration.

Accordingly, we allow the appeals and remand the matter for fresh consideration by the reference court. The court fee paid on the memorandum of appeal in LAA No.337/2014 will be refunded to the appellant. The parties will bear their costs in the appeals.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(K.P. JYOTHINDRANATH,, JUDGE.)

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