

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

LA.APP. NO. 340 OF 2014 ()

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AGAINST THE JUDGMENT IN LAR NO.64/2011 OF SUB COURT, THIRUVALLA  
DATED 04-09-2013  
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APPELLANT(S)/CLAIMANT :-  
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K.K.JACOB  
KOCHERIL VEEDU, THYMARAVUMKARA, KUTTOOR VILLAGE  
THIRUVALLA TALUK.

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENT(S)/RESPONDENT:  
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1. THE STATE OF KERALA  
REPRESENTED BY THE DISTRICT COLLECTOR  
PATHANAMTHITTA.
2. THE SOUTHERN RAILWAY  
ERNAKULAM P.O.-682018,  
REPRESENTED BY ITS DEPUTY CHIEF ENGINEER (CONSTRUCTION).

BY GOVERNMENT PLEADER ADV. T.J. MICHAEL  
BY ADV. SRI.JOHN MATHEW,SC, RAILWAYS  
BY ADV. SRI.C.S.DIAS,SC, RAILWAYS

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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**P.B. SURESH KUMAR, J.**

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**L.A.A. No.340 of 2014**  
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**Dated this the 9<sup>th</sup> day of February 2015**

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

This is an appeal by the claimant in LAR No.64 of 2011 on the file of the Court of the Subordinate Judge, Thiruvalla.

2. An extent of 5.50 Ares of wet land owned by the appellant was acquired for the doubling work of Chegannur-Chingavanam railway track. Section 4(1) notification under the Land Acquisition Act was published on 18.07.2009. The land acquisition officer, after due enquiry, determined the land value at Rs.2,966/- per Are. Dissatisfied with the said land value, the appellant caused a reference to be made and the Reference Court disposed of the reference along with a few other references made in respect of properties covered by the very same notification including LAR No.62 of 2011, fixing the land value at Rs.6,000/- per Are by a common judgment. It is

aggrieved by the said fixation of the land value, the appellant has come up in this appeal.

3. Heard the learned counsel for the appellant, the learned Government Pleader and the learned Standing Counsel for the second respondent.

4. The acquired land was a wet land. Exts.A1 and A2 are the two documents produced by the appellant before the Reference Court to prove the land value of the property. Ext.A1 document is dated 30.04.1999 and Ext.A2 is dated 19.07.2009. Both the documents are pre-notification documents. The Reference Court noticed that the lands covered by those two documents are also wet lands. The Reference Court made a detailed discussion with regard to the acceptability of Exts.A1 and A2 and found that the land value can be fixed by considering the land value shown in Exts.A1 and A2. In Ext.A1, the land value shown is Rs.30,928/- per Are and in Ext.A2, the land value shown is Rs.30,864/- per Are. Despite the finding that Exts.A1 and A2 can be relied on to determine the land value in the instant case, the Reference Court had

limited the land value to Rs.6,000/- per Are. The impugned judgment indicates that the Reference Court was of the view that the property covered by Ext.A1 sale deed is a property situated on the side of MC Road and the property covered by Ext.A2 is situated at about 300 meters north west from the acquired property. Obviously, it is on account of the said reasons, the Reference Court limited the land value to Rs.6,000/-

5. This Court in LAA No.341 of 2014 enhanced the land value fixed in LAR No.62 of 2011 from Rs.6,000/- per Are to Rs.30,000/- per Are. The judgment rendered by this Court in LAA No.341 of 2014 indicates that this Court, on a perusal of the materials on record found that there is no substantial difference between the acquired property and the property covered by Exts.A1 and A2. It was on that basis, this Court enhanced the land value payable to the claimants in LAR No.62 of 2011 to Rs.30,000/-per Are. As noticed above, LAR No.62 of 2011 is also a case disposed of along with LAR No.64 of 2011 by the very same judgment. As far as this case is

concerned, the appellant has claimed only a sum of Rs.20,000/- per Are. In the light of the judgment rendered by this Court in LAA No.341 of 2014, there is no reason why the land value of the property of the claimant shall not be refixed at Rs.20,000/- per Are.

In the result, the appeal is allowed. The land value of the property of the claimant is refixed at Rs.20,000/- per Are. The appellant will be entitled to all the statutory benefits.

Sd/-  
**P.B. SURESH KUMAR**  
**JUDGE**

/ True Copy /

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P.A. To Judge