

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

LA.App..No. 349 of 2014 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 92/2008 ON THE FILE OF THE I
ADDITIONAL SUB COURT, THIRUVANANTHAPURAM DATED 29.3.2010

APPELLANT/CLAIMANT IN LAR NO.92/2008:

SUSAN EASO AGED 53 YEARS
D/O.CHIRAYIL VARGHEES EASO, ANNIE VILLA
VALLUVEETTUMARI, T.C.NO.4/2184, MARAPPALAM
PATTOM PO, THIRUVANANTHAPURAM.

BY ADV. SRI.LAL GEORGE

RESPONDENTS/RESPONDENTS IN LAR NO.92/2008:

1. STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR
THIRUVANANTHAPURAM- 695004

2. THE SECRETARY
TRIDA, THIRUVANANTHAPURAM-695004

R2 BY ADV. SRI.K.A.JALEEL, SC., TRIDA
R1 BY SR. GOVERNMENT PLEADER SRI.PADMARAJ.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

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

L.A.A. No.349 of 2014

Dated this the 19th day of March 2015

JUDGMENT

Ramachandran Nair , J.,

This appeal is filed by the claimant challenging the judgment of the reference court in L.A.R.No. 92/2008 on the file of the 1st Additional Sub Court, Thiruvananthapuram. The short facts are ; 1.70 Ares of property belonging to the appellants was acquired for the widening of existing Pattam-Kowdiar Main Road. The notification under Section 4(1) of the Act was issued on 16.9.2004 and the award was passed on 27.12.2006 and the land value fixed by the Land Acquisition Officer is at the rate of Rs.1,61,056/- per Are.

2. Before the reference court, enhancement was sought by the claimant and the reference court fixed the land value at the rate of Rs. 2,23,934/- per Are. The claimants seek enhancement at the rate of Rs. 22 lakhs per Are.

3. We heard the learned counsel for the appellant Sri. Lal

George and learned Senior Government Pleader Sri.R.Padmaraj.

4. It is submitted by learned counsel for the appellant that in similar cases under the same notification, where the property was acquired for the same purpose, this Court has re-fixed the land value at Rs.22 lakh per Are from Rs. 30 lakh per Are fixed by the reference court. Our attention is invited to L.A.A.No. 130/2013 which is from the judgment and decree in L.A.R.No. 168/08 of the same court. In judgment in L.A.A.584/12 in both cases, the land value fixed is at Rs. 22 lakhs per Are.

5. Since the property acquired herein are also similar in nature and was acquired for the same purpose and as per the same notification, we are of the view that, the market value fixed by this Court in the said judgment in connected appeals can be adopted herein also. Accordingly, the appeal is allowed. The market value for the acquired property is refixed at Rs. 22 lakh per Are.

6. While condoning the delay in filing the appeal we had made it clear that the State will not be liable to pay interest for the period of delay covered viz.,1343 days as per order in C.M.

L.A.A. No.349 of 2014 :3:

Application 349/2014. We reiterate the same. The payment of statutory benefits will be subject to the above and the parties will suffer their costs in the appeal.

Sd/-

**T.R.RAMACHANDRAN NAIR
(JUDGE)**

Sd/-

**P.V.ASHA
(JUDGE)**

AL/-

True copy

P.A to Judge

As per the order dated 20.7.2015 in L.A.A.349/2014, paragraph 6 of the judgment dated 19.3.2015 in L.A.A. No.349/2014 is substituted in the following manner:

"There was a delay of 1343 days in filing the appeal. We hold that for the above period, the appellant will not be entitled for interest under Section 28 of the Act and the payment of statutory benefits will be subject to the above. The parties will suffer their costs in the appeal."

Sd/-

Registrar (Judicial)