IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

LA.App..No. 573 of 2014 ()

AGAINST THE JUDGMENT IN LAR 869/2009 of II ADDL.SUB COURT,THIRUVANANTHAPURAM DATED 31-08-2013

APPELLANT/RESPONDENT:

THE STATE OF KERALA
REPRESENTED BY DISTRICDT COLLECTOR
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENTS/CLAIMANT & 2ND RESPONDENT:
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1. MANGALADEVI KOCHAMMA
POWER OF ATTORNEY HOLDER OF JAYALEKSHMI KOCHAMMA
ASWATHI, LOTUS VILLA, COMPOUND
GATHAMANGALAM, THIRUVANANTHAPURAM, 695001.

2. THE SECRETARY
TRIDA, THIRUVANANTHAPURAM-695001.

BY SRI.K.A.JALEEL, SC., TRIDA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24-03-2015 ALONG WITH LAA NO.699/2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

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L.A.A.Nos.573 & 699 OF 2014

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Dated this the 24th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

These appeals have been respectively filed challenging the decree and judgment in L.A.R.Nos.869/2009 and 259/2010 of the II Addl. Sub Court, Thiruvananthapuram. In both the cases, the acquisition is for the purpose of widening of LMS-Students Centre-Vellayambalam-Sasthamangalam road by the TRIDA. The notification under Section 4(1) is dated 10.9.2007 and the land acquisition officer awarded land value at the same rate of ₹4,60,084/- per Are which was enhanced by the reference court to ₹22,50,000/-.

2. We heard the learned Senior Government Pleader for the appellant and the learned counsel appearing for the respondents.

3. The enhancement is challenged by relying upon the judgment in connected cases rendered by this Court wherein the land value has been refixed at ₹22 lakhs.

4. The learned Government Pleader relied upon our judgment in L.A.A.No.806/2013, wherein we have fixed land value at ₹22 lakhs per Are by relying upon the judgment in L.A.A.No.784/2010. This Court found that in L.A.R.No.683/2009 and 1032/2009, the reference court has fixed land value at the same rate.

Therefore, we partly allow the appeal by refixing the land value at ₹22 lakhs per Are in both the cases. The statutory benefits as granted by the reference court are retained. The parties will suffer their costs in the appeal.

T.R.RAMACHANDRAN NAIR, JUDGE

P.V.ASHA, JUDGE

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