

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

LA.App..No. 332 of 2010 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 115/2001 of ADDL.SUB
COURT,KOLLAM DATED 04-02-2009

APPELLANT(S)/2ND RESPONDENT:

KERALA MINERALS & METALS LTD.,
SANKARAMANGALAM, CHAVARA KOLLAM -
REPRESENTED BY THE ASST.GENERAL MANAGER (P & A).

BY ADVS.SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

RESPONDENT(S)/CLAIMANTS & IST RESPONDENT:

1. T.S.CHIDAMBARAM, S/O SEKHARAN,
GEETHANJALI, CONTONMENT NORTH, NEAR SANKERS HOSPITAL
KOLLAM.

2. STATE OF KERALA,
REPRESENTED BY DIST.COLLECTOR, KOLLAM.

R1 BY ADV. SRI. SIJU KAMALASANAN

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON

&

ANIL K. NARENDRAN, JJ.

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L.A. Appeal No. 332 of 2010

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Dated, this the 7th day of December, 2015

JUDGMENT

Ramachandra Menon, J.

Grievance is in respect of the allegedly exorbitant extent of compensation awarded by the Reference Court in connection with the acquisition of land having an extent of 12.30 Ares for public purpose, for mining operation performed by the appellant herein. Section 4(1) notification was issued way back in the year 1997 and the Awarding Officer passed an award dated 24.09.1999 fixing the land value as Rs.13294/- per Are. Statutory benefits were also awarded in this regard. Reference was sought for under Section 18 of the Land Acquisition Act, pursuant to which, the Reference Court passed the judgment and decree in LAR No. 115/2001 on 04.02.2009, fixing the market value by adding Rs.8,641/- more per Are, thus making it Rs.21,935/- per Are. This constitutes about 65% of enhancement, which is not correct or sustainable, and hence sought to be scaled down in this appeal preferred by the requisitioning authority.

2. Heard the learned standing counsel appearing for the appellant as well as the learned Government Pleader appearing for the State/acquisitioning authority.

3. During the course of hearing, it is brought to the notice of this Court that similar matters in respect of similar category of land, appeals were filed by the requisitioning authority challenging the extent of enhancement awarded by the Reference Court. The matter came to be finally considered by this Court in LAA No. 532 of 2007 and judgment was passed on 26.06.2012, whereby enhancement was limited to Rs.21,500/- per Are, also granting consequential statutory benefits. Since the category of land in the said case and the value fixed by the awarding officer are exactly similar as in the instant case, we make it clear that enhancement awarded by the Reference Court will stand scaled down to Rs.21,500/- per Are with all the consequential benefits as per the Statute.

The appeal stands allowed to the said extent. No cost.

sd/-
P. R. RAMACHANDRA MENON,
JUDGE

sd/-
ANIL K. NARENDRA,
JUDGE

kmd

/True copy/

P.A. to Judge