

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

LA.App..No. 1028 of 2009 ()

AGAINST THE ORDER/JUDGMENT IN LAR46/2005 of ADL.SUB COURT, THALASSERY
DATED 04-12-2007

APPELLANT(S)/IST RESPONDENT:

STATE OF KERALA.

BY ADV. GOVERNMENT PLEADER

RESPONDENT(S)/CLAIMANT & 2ND RESPONDENT:

1. KODATHAMBATH KANNAN, P.O.KUTTIATTOOR,
KANNUR.

2. SECRETARY, 'KSEB',
THIRUVANANTHAPURAM REP. BY DEPUTY CHIEF, ENGINEER
T.C.CIRCLE, KANNUR.

R,R2 BY SRI. ASOK M.CHERIYAN, SC, KSEB
SRI. C.K.KARUNAKARAN, SC FOR KSEB
SRI. PULIKOOL ABUBACKER, SC, KSEB

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 22-
09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON

&

K. HARILAL, JJ.

~~~~~

L.A.A. No. 1028 of 2009

~~~~~

Dated, this the 22nd day of September, 2015

JUDGMENT

Ramachandra Menon, J.

This appeal filed by the State/Acquisitioning authority arises from the judgment and decree dated 04.12.2007 passed by the Additional Sub Court, Thalassery in LAR No. 46 of 2005.

2. When the matter is taken up for consideration, it is brought to the notice of this Court that the appeal has been filed by way of a mistake, as the above verdict was sought to be challenged by filing another appeal as LAA No. 1573 of 2009, by the Secretary, Kerala State Electricity Board i.e. at the instance of the Requisitioning authority, wherein a judgment was passed on 23.07.2012. The said verdict reads as follows:

"It is submitted by Sri. Cibi Thomas, learned counsel for the claimant/respondents that the the issue raised by the Electricity Board in this appeal is covered in favour of them by a judgment of this Court in LAA No. 1017/2009. A copy of the above judgment was placed before us by Mr. Cibi Thomas himself. Under the

above circumstances, we follow the judgment in L.A.A. No. 1017/2009 and re-fix the market value of land under acquisition at Rs.8,000/- per Cent. We clarify that on the re-fixed compensation the claimant/respondents will be entitled for all statutory benefits.

Appeal is allowed. Parties are directed to suffer their respective costs in the appeal."

In the said circumstances, this Court finds that this appeal is not maintainable. Hence the same stands dismissed along with all pending applications in this appeal.

sd/-

**P. R. RAMACHANDRA MENON,
JUDGE**

sd/-

**K. HARILAL,
JUDGE**

kmd

/True copy/

P.A. to Judge