

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

LA.App..No. 793 of 2014 ()

AGAINST THE JUDGMENT IN IAR 82/2007 of II ADDL.SUB
COURT, THIRUVANANTHAPURAM DATED 18-03-2009

APPELLANTS/CLAIMANTS:

1. RAMANKUTTY NAIR
SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

2. PANKAJAKSHY AMMA
SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

3. RAJENDRAN
SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

4. THANKAMMA
SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

5. LALITHAMBIKA
SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

6. VIJAYAKUMARAN NAIR
SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

7. RENUKA DEVI
SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

8. SUMA DEVI
SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

9. LALLU KUMAR
SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

10. PRASAD

SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

11. VIMALAMMA

SAROJA VILASOM, MANNARAKONAM
VATTIYOORKAVU THIRUVANANTHAPURAM (DIED AFTER THE AWARD. LRS
ARE APPELLANTS 12 AND 13).

12. PADMAKUMAR

SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

13. MAYA

SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

14. PANKAJAKSHY AMMA

SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

15. SURESH KUMAR

SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

16. SATHYAPRIYA

SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

17. SAMPATH

SAROJA VILASOM, MANNARAKONAM, VATTIYOORKAVU
THIRUVANANTHAPURAM.

BY ADVS.SRI.RAM MOHAN.G.

SRI.G.P.SHINOD

SRI.MANU V.

RESPONDENT (S) /RESPONDENTS:

1. STATE OF KERALA

REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM.

2. THE CHIEF CONSTRUCTION ENGINEER
CIVIL ENGINEERING DIVISION, DEPARTMENT OF SPACE
THIRUVANANTHAPURAM.

R1 BY ADV. GOVERNMENT PLEADER SRI.R.PADMARAJ

R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

L.A.A.No.793 OF 2014

Dated this the 27th day of February, 2015

ORDER

Ramachandran Nair, J.

This appeal is filed from the judgment in L.A.R.No.82/2007 of the II Additional Sub Court, Thiruvananthapuram. The appeal is filed with a petition to condone the delay of 1607 days which was condoned as per order dated 16/1/2015 in C.M.Appln.No.881/2014 on condition that if ultimately the appeal is allowed, the claimants will not be entitled for interest under Section 28 of the Act for the period covered by the delay.

2. The acquisition is for setting up of expansion programme of composite group & IISU of ISRO. The notification under Section 4(1) was published on 22.4.2004. The land involved in the present case is categorised in Category E to which land value @ ₹20,687/- per Are has been fixed by the land acquisition officer. The same has been increased to ₹33,100/- per Are by the reference court and the claimant

is seeking further enhancement @ ₹2,33,145/- per Are.

3. The learned counsel for the appellants submitted by relying upon the judgments of this Court in L.A.A.Nos.810/2010, 1163/2010 and 540/2012 that in respect of the very same category of properties acquired as per the very same notification and where the land value fixed by the land acquisition officer and the reference court are of the same rate, this Court has fixed the market value of land @ ₹2,33,145/- per Are.

4. We heard the learned Senior Government Pleader for the State and the learned ASGI for the requisitioning authority.

Having regard to the land value fixed by this Court in the various judgments as noted above, the appellants are also entitled for the same enhancement of land value. Accordingly, we refix the land value of the acquired property which is in category E, at ₹2,33,145/- per Are. The appeal is allowed to that extent and the appellants will also be entitled for all statutory benefits as already granted by the reference court. We also direct that for the period covered by the delay, the claimants will

not be entitled for interest under Section 28 of the Act. The parties will suffer their costs in the appeal.

T.R.RAMACHANDRAN NAIR, JUDGE

SV.

P.V.ASHA, JUDGE