

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

LA.App..No. 626 of 2008

AGAINST THE JUDGMENT IN LAR 10/2004 of ADL.SUB COURT, THALASSERY DATED
21-12-2006

APPELLANTS/RESPONDENTS:

1. STATE OF KERALA, REP. BY DISTRICT
COLLECTOR, KANNUR.
- 2.THE EXECUTIVE ENGINEER, N.H.DIVISION,
KANNUR.

BY SENIOR GOVERNMENT PLEADER R.PADMARAJ

RESPONDENT/CLAIMANT:

KOTTATH KALLIANI,
W/O.PONNAMBATH KRISHNAN, KUNHIPURAYIL HOUSE
KRISHNA BHAVAN, THIRUVANGAD AMSOM, VAYALALAM
DESOM, TEMPLE GATE P.O.

BY ADV.BIJU ABRAHAM

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 10-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.N.RAVINDRAN &
ANU SIVARAMAN, JJ.**

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L.A.A.No. 626 of 2008

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Dated this the 10th day of August, 2015

JUDGMENT

P.N.Ravindran, J.

The appellants are the respondents in L.A.R.No.10 of 2004 on the file of the Court of the Additional Subordinate Judge of Thalassery. The sole respondent is the claimant therein. A parcel of land, 12.55 Ares in extent, situate in R.S.No.77/12 of Thiruvangad village, Thalassery Taluk was acquired for formation of the Thalassery-Mahe bye pass road. The notification under section 4(1) of the Land Acquisition Act, 1894 was published on 17.07.2000. By award passed on 15.11.2002 the Land Acquisition Officer awarded land value at the rate of Rs.22,23,530/- per hectare corresponding to Rs.22,235 per Are. Pursuant thereto, possession of the acquired land was taken over on 09.12.2002. Dissatisfied with the land value awarded by the Land Acquisition Officer, the claimant sought and obtained a reference of the dispute to the Court of the Subordinate Judge of

Thalassery, where it was taken on file and numbered as L.A.R.No.10 of 2004. L.A.R.No.10 of 2004 was heard and disposed of along with L.A.R.No.11 of 2004 and connected cases which also arose out of the very same acquisition. The reference court considered the rival contentions and relying on Ext.A1 judgment in L.A.R.No.5 of 2004 awarded the sum of Rs.17,500/- per cent corresponding to Rs.43242.50 as land value. The reference court also held that the claimant will be entitled to all statutory benefits.

2. When this appeal came up for consideration before us today, Sri.R.Padmaraj, learned Senior Government Pleader appearing for the State of Kerala very fairly submitted that challenging the award passed by the reference court in L.A.R.No.12 of 2004, the appellants herein had filed L.A.A.No.102 of 2009 in this court and by judgment delivered on 27.01.2009, the said appeal was dismissed. Learned Government Pleader also submitted that no appeal was filed against the decree and judgment in L.A.R.No.11 of 2004. Learned Government Pleader also submitted that Ext.A1 judgment in L.A.R.No.5 of 2004 has also not been challenged and it has attained finality.

In the light of the admitted fact that the very same common judgment has been upheld by this court in L.A.A.No.102 of 2009, we are of the opinion that the relief sought in this appeal cannot be granted. The appeal fails and is accordingly dismissed in limine.

P.N.Ravindran,Judge

Anu Sivaraman, Judge

sj