

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

LA.App..No. 867 of 2014 ()

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AGAINST THE JUDGMENT & DECREE IN LAR 304/2003 of IST ADDL.SUB  
COURT,TRIVANDRUM DATED 16/12/2006

APPELLANT/CLAIMANT:

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S.K.SREEKUMAR AGED 50 YEARS  
S/O.SREENIVASAN, AGED 50, MADATHUVILAKAM  
CHACKAI, PETTAH VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.RAJESH P.NAIR

RESPONDENT (S) :RESPONDENTS

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1. STATE OF KERALA  
(THE SPECIAL TAHSILDAR L.A, INTERNATIONAL AIRPORT  
THIRUVANANTHAPURAM)  
REPRESENTED BY THE DISTRICT COLLECTOR  
THIRUVANANTHAPURAM-695 001.

2. THE MANAGING DIRECTOR  
(DISTRICT COLLECTOR), INTERNATIONAL AIRPORT SOCIETY  
COLLECTORATE, KUDAPPANAKUNNU P.O., THIRUVANANTHAPURAM.

R1 BY SENIOR GOVERNMENT PLEADER SRI R.PADMARAJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD  
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

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

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**L.A.A No.867 of 2014**  
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**Dated this the 30<sup>th</sup> day of March, 2015**

**JUDGMENT**

Ramachandran Nair, J.

The claimant before the reference court is the appellant herein.

2. The property was acquired for the International Airport, Thiruvananthapuram, for its expansion. The Notification under Section 4(1) of the Land Acquisition Act was published on 4.2.1999. It is stated that the acquired land is having an extent of 12 Ares in Survey Nos.205/02 and 204/10 of Pettah village and the Land Acquisition Officer passed an award after including the land under two categories. 8.60 Ares of land comprised in Sy.No.205/02 was included in category No.III and the land value was fixed at Rs.91,867/- per Are. The remaining item of extent 3.40 Ares of land in Survey No.204/2010 was included under category No.IV and the land value was fixed at Rs.78,743/- per Are. The reference court included the entire acquired land in

category No.III and enhanced the land value @ Rs.1,50,000/- per Are.

3. Before this Court the learned counsel for the appellant relied upon the judgments passed in L.A.A Nos.819 of 2012 and 967 of 2008. In both these cases, we had refixed land value at Rs.2,25,000/- per Are for such categories of land. Rs.91,867/- per Are was the rate fixed by the Land Acquisition Officer in those cases. In fact we had referred to the earlier judgment of this Court in L.A.A Nos.1944/2008 and 630/2011, wherein the land acquired was for the same purpose and under the same Notification, this Court had fixed the land value @ Rs.2,25,000/- per Are.

In the light of the above, the property being similar, the same land value can be adopted and accordingly we allow the appeal and refix the market value @ Rs.2,25,000/- (Rupees Two lakhs and twenty five thousand only) per Are. The appellant will also be entitled to all the statutory benefits as granted by the referenc court. The parties will suffer their costs in the appeal.

We also make it clear that for the period of 3488 days, ie. the delay occurred in filing this appeal, the claimant will not be

entitled for interest under Section 28 of the Act, in the light of the order in C.M.Application No.991 of 2014.

*Sd/-*

***T.R.RAMACHANDRAN NAIR***  
***Judge***

*Sd/-*

***P.VASHA***  
***Judge***

rtr/

/true copy/

P.S to Judge