

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

LA.App..No. 875 of 2014 (C)

AGAINST THE ORDER/JUDGMENT IN LAR 257/2009 of II ADDL.SUB
COURT,TRIVANDRUM DATED 31-07-2013

APPELLANT(S)/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER
PWD ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS DIVISION)
THIRUVANANTHAPURAM.

BY SHRI R. PADMARAJ, SR. GOVERNMENT PLEADER

RESPONDENT(S)/CLAIMANT:

KUTTAN @ VIJAYAN
KATTAKKAL PUTHEN VEEDU, KEEZHARANAOOR MURI, 695009.

R1 BY ADV. SRI.J.HARIKUMAR
THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29-
07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R. RAMACHANDRAN NAIR &
K.P. JYOTHINDRANATH, JJ.**

L.A.A.No.875 of 2014

Dated this the 29th day of July, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment and decree in LAR No.257/2009 of II Addl. Sub Court, Thiruvananthapuram. The property was acquired for the construction of a bridge across Killi river and Section 4(1) notification was published on 31.3.2005. All the items of properties were divided into different categories by the Land Acquisition Officer and as far as the acquired property herein is concerned, it was included in category A, viz. having main road access. The Land Acquisition Officer fixed the land value at the rate of Rs.1,65,547/- per are which was enhanced to Rs.13,48,620/- per are including the property in category 'A'.

2. Heard both sides.

3. Before the reference court, Exts.R1 to R4 have been marked.

We find from the judgment that by relying upon other judgments, the

reference court enhanced the land value.

4. Learned Senior Government Pleader submitted that the reference court, probably, might have relied upon the judgment in LAR No.280/2009 which was the subject matter of appeal as LAA No.821/2013 for arriving at the enhanced land value. We have, by a separate judgment, allowed LAA No.821/2013 and remanded the matter for fresh consideration.

5. Learned counsel for the claimant, Shri J. Harikumar prayed that in the event of this Court remanding the matter, the claimant may be allowed to adduce evidence in the matter. We permit the same.

Accordingly, the appeal is allowed and the matter is remanded back for fresh consideration. Both sides are permitted to adduce evidence. The parties will bear their costs in the appeal.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(K.P. JYOTHINDRANATH, JUDGE.)

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