

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. 886 of 2014 ()

AGAINST THE ORDER/JUDGMENT IN LAR 248/2009 of II ADDL.SUB
COURT,TRIVANDRUM DATED 31.7.2013

APPELLANT(S)/RESPONDENTS:

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

2. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS DIVISION
THIRUVANANTHAPURAM.

BY SHRI R. PADMARAJ, SR. GOVERNMENT PLEADER

RESPONDENT(S)/CLAIMANT:

VASANTHAKUMARI,
T.C.25/423, LEKSHMI NIVAS, NO.17
SANTHI NAGAR, PRESS ROAD, THIRUVANANTHAPURAM-695001.

R-R1 BY ADV. SRI.L.MOHANAN
R-R1 BY ADV. SMT.LIGEY ANTONY

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.886 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.249/2009 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.46,296/- per are which was enhanced to Rs.8,99,080/- per are.

2. At the outset, learned Senior Government Pleader submitted that the enhancement granted is excessive. It is submitted that the court below has relied upon other judgments of the reference court without

mentioning the LAR numbers, for enhancement of land value.

2. Learned counsel for the claimant submitted that Exts.A1 to A3 documents have been produced by the claimant and those have not been considered. We find from the judgment that the court below did not rely upon Exts.A1 to A3 for non examination of the parties concerned therein. But even then, the court will have to consider the similarity and other details and to find out whether they are bonafide transactions. For the purpose of this case, we need not go further since we have, by a separate judgment, in LAA No.821/2013 remanded an identical matter for fresh consideration by the reference court. Therein also, the property was included in E category and the land value fixed by the reference court was Rs.8,99,080/- per are.

Accordingly, we allow the appeal and remand the matter for fresh consideration by the reference court. The parties will bear their costs in the appeal.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(K.P. JYOTHINDRANATH,, JUDGE.)

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