

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

LA.App..No. 688 of 2008 ()

AGAINST THE JUDGMENT IN LAR 189/1998 of PRL.SUB COURT, KOTTAYAM DATED
30-01-2002

APPELLANT:

STATE OF KERALA, REP. BY THE
DISTRICT COLLECTOR, KOTTAYAM.

BY ADV. GOVERNMENT PLEADER

RESPONDENT:

JOHN, S/O. JOSEPH
PALIYIL KALATHUVEETIL, KOTHANALLOOR.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17-
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.688 of 2008

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Dated this the 17th day of August, 2015

JUDGMENT

P.N.Ravindran, J.

The appellant is the respondent in L.A.R.No.189 of 1998 on the file of the Court of the Principal Subordinate Judge of Kottayam. The respondent is the claimant therein. A parcel of land, 5.30 Ares in extent, situate in Sy.No.552/10A-4-1 of Kothanalloor Village in Vaikom Taluk was acquired for the construction of the branch canal of Muvattupuzha Valley Irrigation Project, pursuant to a notification dated 17.07.1995 issued under section 4(1) of the Land Acquisition Act, 1894. Possession of the acquired land was taken over on 25.08.1997. By award passed on 15.06.1998, the Land Acquisition Officer awarded land value at the rate of Rs.10,374/- per Are.

2. Dissatisfied with the land value awarded by the Land Acquisition Officer, the claimant sought a reference of the dispute to the competent civil court. A reference was accordingly made to the Court of the Principal Subordinate Judge of Kottayam where it was taken on file and numbered as L.A.R.No.189 of 1998. Before the reference court, the claimant claimed land value at the rate of

Rs.1,00,000/- per cent as also the sum of Rs.1,50,000/- towards value of improvements and Rs.1,00,000/- towards severance compensation. Relying on Ext.A1 judgment in L.A.R.Nos.174 of 1998 and 182 of 1998, the reference court refixed the land value at Rs.16,598/- per Are. The reference court considered the importance of the locality where the acquired land is situated and enhanced the land value 60% over and above the land value fixed by the Land Acquisition Officer. The State of Kerala has aggrieved thereby filed this appeal.

3. When this appeal came up for consideration before us, learned Government Pleader very fairly submitted that a Division Bench of this court has by judgment delivered on 29.10.2007 in L.A.A.No.1304 of 2002 and connected cases, affirmed 60% enhancement given by the reference court in respect of lands involved in the same acquisition. Learned Government Pleader submitted that the appeal filed by the State of Kerala was accordingly dismissed. In such circumstances, as the Division Bench has by judgment delivered on 29.10.2007 dismissed L.A.A.No.1304 of 2002 and connected cases and affirmed the enhancement of the land value in respect of lands acquired by the very same notification, we find no reason to entertain the instant

appeal.

The appeal fails and is accordingly dismissed in liminie, with a direction to the State of Kerala to comply with the award passed by the reference court, if it has not so far been done, expeditiously.

P.N.Ravindran,Judge

Anu Sivaraman, Judge

sj

