

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

LA.App..No. 986 of 2008 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 93/2003 of II ADDL.SUB
COURT,TRIVANDRUM DATED 08-08-2007

APPELLANT/RESPONDENT NO.1:

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

Addl. 2. THE DIRECTOR,
DEPARTMENT OF TOURISM,
THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER SRI R.PADMARAJ

RESPONDENT(S)/CLAIMANTS AND RESPONDENT 2:

1. MYTHEEN PICHA, S/O.ABDUL RAHMAN,
T.C.32/267, KOCHUVELI,
TITANIUM, KADAKAMPALLY.
2. SHERIFA BEEVI, JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.
3. JAMEELA BEEVI, JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.
4. SHAJAHAN.M.H., JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.
5. ABDUL RASHEED.M,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.
6. ABDUL MAJEED,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.
7. NABEESA BEEVI,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

8. M.H.ZAKIR HUSSAIN,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

9. MAJITHA BEEGUM,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

10. SHAJEELA,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

11. HAMAR BAN,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

12. SABEENA.N.,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

13. BENAZEEN,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

14. SOUDHA BEEVI,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

15. SALIM,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

16. IBRAHIM,
JAMEELA MANDIRAM,
KARIKKAKAM MURI,
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

*17. THE DIRECTOR, DEPARTMENT OF TOURISM,
THIRUVANANTHAPURAM. (Transposed as 1st appellant).

(*17th respondent is transposed as the addl.2nd appellant
as per order dt.25.8.08 on I.A.3463/08.)

R,R1 BY ADV. SRI.J.HARIKUMAR
R,R1 BY ADV. SRI.HARIKUMAR.S.
R,R3-5 & R7-15 BY ADV. SRI.M.BALAGOVINDAN
R,R3-5 & R7-15 BY ADV. SRI.ANIL K.NAIR
R,R3 TO 5,R7 TO 15 BY ADV. SRI.KRB.KAIMAL (SR.)
R,R3 TO 5 R7 TO15 BY ADV. SRI.B.UNNIKRISHNA KAIMAL

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
22-01-2015 ALONG WITH LAA NOS.1150/08, 129/11, 17 AND 269 OF 2013,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

**L.A.A Nos.986 & 1150 of 2008,
129/2011, 17 and 269 of 2013**

Dated this the 22nd day of January, 2015

JUDGMENT

Ramachandran Nair, J.

L.A.A.No.269 of 2013 is from the judgment in L.A.R No.91/2002; L.A.A No.17 of 2013 is from the judgment in L.A.R No.89/2003; L.A.A No.129 of 2011 is from the judgment in L.A.R No.38/03; L.A.A No.986 of 2008 is from the judgment in L.A.R No.93/2003 and L.A.A No.1150 of 2008 is from the judgment in L.A.R No.91/2003. The judgments in all the above L.A.Rs are of the IInd Additional Sub Court, Trivandrum,

2. In all these cases, the State has come up in appeal against the respective judgments of the reference Court. In L.A.A.Nos.269/2013, 129/2011 and 17/2013 notification under Section 4(1) of the Land Acquisition Act was published on 1.3.2000, 12.01.2000 and 9.1.2002 respectively and in the other cases, ie. L.A.A Nos.986 & 1150 of 2008, it is dated 1.3.2000. In L.A.A No.269/2013 the reference court has enhanced the land

value from Rs.70,387/- to Rs.1,20,000/- per Are. Reliance is placed on the judgment in L.A.R No.129 of 2000 wherein the land value was enhanced from Rs.70,387/- to Rs.1,60,000/- per Are. In L.A.A No.986 of 2008, the land value has been enhanced from Rs.70,387/- to Rs.1 lakh per Are. In L.A.A No.1150 of 2008, the land value has been enhanced from Rs.70,387/- to Rs.1 lakh per Are. In L.A.A No.17 of 2013, the land value has been enhanced from Rs.70,387/- to Rs.1,85,250/-. We find from the judgment in L.A.A No.27 of 2011 that the land value enhanced by the reference court in connected cases has not been interfered with by this Court in appeal by a learned Single Judge. In the judgment in L.A.A Nos.54 of 2013 and 132 of 2013, we have also confirmed the land value fixed.

In the light of the above, we confirm the judgments and decrees passed by the reference court and all the appeals are dismissed.

Sd/-

T.R.RAMACHANDRAN NAIR

Judge

Sd/-

P.VASHA

Judge

rtr/

/true copy/

P.S to Judge