

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

LA.App..No. 990 of 2010 ()

AGAINST THE JUDGMENT IN LAR 100/2008 of PRINCIPAL SUB
COURT,PARAVUR DATED 30-06-2009

APPELLANT/RESPONDENT:

STATE OF KERALA REP BY THE
DISTRICT COLLECTOR, ERNAKULAM.

BY SR.GOVERNMENT PLEADER SRI.R.PADMARAJ

RESPONDENT/CLAIMANT:

SAROJINI, W/O.NARAYANAN,
BHAIRURAMAN PARAMBIL, VALLUVALLY, KOONAMMAVU P.O.
683 518

BY ADV. SRI.PHILIP T.VARGHESE
BY ADV. SRI.THOMAS T.VARGHESE
BY ADV. SMT.ACHU SUBHA ABRAHAM
BY ADV. SRI.K.SHAJU VARGHESE

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR
ADMISSION ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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

L.A.A.No.990 OF 2010

Dated this the 30th day of January, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the judgment in L.A.R.No.100/2008 of the Principal Sub Court, Paravur. Herein the State is aggrieved by the enhancement of land value at ₹1,52,112/- per Are.

2. We heard the learned Senior Government Pleader for the appellatant and the learned counsel appearing for the respondent.

3. Herein the acquisition was for the construction of NH 17 and the property is having an extent of 00.20 Ares comprised in Sy.No.383/12-4 of Kottuvally Village. The notification under Section 4(1) was published on 23.08.2004.

4. At the outset, the learned counsel for the respondent submitted that the judgment of the reference court is a common judgment in two cases namely L.A.R.No.192/2007 and the present case and the State has not challenged the judgment concerning fixation of

market value of land in L.A.A.No.192/2007. It is therefore submitted that being a common judgment, non-filing of the appeal from the same will be a factor which has to be considered by this court. It is confirmed by the learned Government Pleader that there is no appeal against the said judgment. It is also pointed out by the learned counsel for the respondent that decree has been satisfied in the said case.

In the light of the above, we dismiss the appeal.

T.R.RAMACHANDRAN NAIR, JUDGE

P.V.ASHA, JUDGE

SV.

