

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.R. RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

LA.App..No. 1048 of 2010 ()

AGAINST THE JUDGMENT IN LAR 73/2008 of PRINCIPAL SUB COURT, NORTH PARAVUR
DATED 22-12-2009

APPELLANT/RESPONDENT IN LAR:

STATE OF KERALA, REPRESENTED BY
THE DISTRICT COLLECTOR, ERNAKULAM.

BY SR. GOVERNMENT PLEADER SRI R. PADMARAJ

RESPONDENT/CLAIMANT IN LAR:

BENNY, S/O VARKEY,
THANNIKKOTTU, OLANADU KARA,
ALANGADU (POWER OF ATTORNEY HOLDER
T.J. ANTONY, THERANIPARAMBIL HOUSE, KUMBALANJI
KOCHI-682 007.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMACHANDRA MENON & ANIL K.NARENDRA, JJ.

L.A.A.No.1048 OF 2010

DATED THIS THE 3rd DAY OF NOVEMBER, 2015

JUDGMENT

P.R.RAMACHANDRA MENON, J.

The learned Government Pleader points out that an appeal has been preferred by the State feeling aggrieved by the judgment and decree dated 22.12.2009 in L.A.R.No.73/2008 of the Principal Subordinate Judges Court, North Paravur in respect of the acquisition of 2.05 Ares of land in Survey No.256/3-20pt of Varapuzha Village, pursuant to Section 4(1) notification dated 22.3.2005 and an award was passed by the Land Acquisition officer fixing land value at Rs.88,889/- per Are, which was subsequently enhanced by the Reference Court as Rs.1,89,156/- per Are. The award is stated as exorbitant and is under challenge. It is also brought to the notice of this Court by the learned Government Pleader that the judgment under challenge was a common judgment involving L.A.R.No.192/2008 where similar enhancement was awarded. The State has preferred an appeal as L.A.A.No.1085/2010 challenging the extent of enhancement. But

interference was declined and the appeal was dismissed as per judgment dated 25.2.2011. In the said circumstances, this Court finds that the matter has become final and we decline interference in the light of the verdict already passed in L.A.R.No.1085/2010.

The appeal stands dismissed.

Sd/-

**P.R.RAMACHANDRA MENON,
JUDGE**

Sd/-

**ANIL K.NARENDRA,
JUDGE**

dsn

True copy

P.S.to Judge