

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE PIUS C.KURIAKOSE  
&  
THE HON'BLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 10TH DAY OF FEBRUARY 2012/21ST MAGHA 1933

LAA.No. 1281 of 2008 (A)

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LAR.95/2002 of II ADDL.SUB COURT,TRIVANDRUM  
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APPELLANT(S)/CLAIMANT:

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1. S. SASIKUMAR, S/O GOPINATHAN NAIR,  
AGED 53 YEARS, R/A TC 27/1873,  
KRISHNA BAGH, CONVENT ROAD,  
VANCHIYOOR, TRIVANDRUM - 35
2. G. SATHEESH KUMAR,  
S/O GOPINATHAN NAIR, AGED 47,  
R/A T.C.9/565, SANU, STREET E-4,  
JAWAHAR NAGAR, KOWDIYAR,  
TRIVANDRUM - 35.

BY ADV. SRI.J.S.AJITHKUMAR

RESPONDENT(S)/RESPONDENTS:

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1. STATE OF KERALA REP. BY THE  
DISTRICT COLLECTOR,  
THIRUVANANTHAPURAM
2. THE PRINCIPAL, GOVT. HOMOEOPATHIC  
MEDICAL COLLEGE, THIRUVANANTHAPURAM.

SR. GOVT. PLEADER SRI.C.R.SYAMKUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
10-02-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE &  
A. V. RAMAKRISHNA PILLAI, JJ.

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L. A. A No.1281 of 2008  
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Dated this the 10<sup>th</sup> day of February, 2012

**JUDGMENT**

*Pius C. Kuriakose, J*

This is an appeal by the claimants. Even before the learned counsel for the appellants Sri.J.S.Ajithkumar opened his submissions, it was pointed out by Sri.C.R.Syamkumar, the learned Government Pleader that identical matters, wherein the Reference Court had fixed land value at the same rate as fixed under the impugned award, have been remanded by this Court. He referred to the judgment of this Court in L.A.A.969/08. He submitted that though there is no serious objection to the remand order being passed in this case it has to be stated clearly that under the revised award the Reference Court shall not fix the land value at a rate higher than ₹ 8,50,000/- for the entire land under acquisition extending to 38 cents. This is because the claim in the

appeal is limited to that amount.

2. We find force in the submission of the learned Senior Government Pleader regarding the rate to be awarded to the appellants under the revised award to be passed by the learned Subordinate Judge. We set aside the judgment and decree under appeal and remand L.A.R.95/02 to the Sub Court, Thiruvananthapuram for passing a revised award. The learned Subordinate Judge will afford opportunity to all the parties to adduce further evidence, if they are so desirous of. However, it should be ensured by the learned Subordinate Judge that under the revised award the appellants are not awarded the total compensation more than ₹ 8,50,000/- for the entire land under acquisition. As we notice some laxity on the part of the appellants in adducing proper evidence before the Reference Court, we are not inclined to order refund of the full court fee. The Registry will re-fund only 70% of the court fee remitted on the appeal memo. So also, there will be a condition that the enhanced compensation if any to be awarded under the revised award will not carry interest

under Section 28 of the Land Acquisition Act during the period from 20/07/07 till 20/01/12.

Sd/-  
PIUS C. KURIAKOSE  
JUDGE

Sd/-  
A. V. RAMAKRISHNA PILLAI  
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE