

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

LA.App..No. 1429 of 2008 ()

AGAINST THE ORDER/JUDGMENT IN LAR 51/2004 of ADL.SUB COURT, THALASSERY
DATED 21-12-2006

APPELLANT(S) :

1. STATE OF KERALA, REP. BY THE
SPECIAL TAHSILDAR, L.A. , THALASSERY.

2. THE EXECUTIVE ENGINEER, PWD ROADS
DIVISION, KANNUR.

BY SENIOR GOVERNMENT PLEADER SRI.R. PADMARAJ

RESPONDENT(S) :

V.C. REMAVATHI (VANCHICHALIL),
D/O RAEVATHIAMMA, CHALA, PADINHAREKARA P.O.
THOTTADA.

R BY ADV. SRI.JOBY JACOB PULICKEKUDY
ADV. SRI.ANIL GEORGE

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON

&

K. HARILAL, JJ.

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L.A.A. No. 1429 of 2008

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Dated, this the 15th day of September, 2015

JUDGMENT

Ramachandra Menon, J.

Correctness and sustainability of the judgment and decree dated 21.12.2006 in L.A.R. No. 51 of 2004 of the Sub Court, Thalasserry is sought to be challenged at the instance of the acquisitioning and requisitioning authorities, by filing this appeal.

2. The subject matter is with reference to 2.06 Ares of land comprised in Re.Sy No. 20/7 of Edakkad village, Kannur district, which was acquired for the purpose of Chovva-Nadal bye pass, pursuant to S. 4(1) notification issued in this regard on 31.03.2000. After taking possession of the land on 05.11.2002, the Land Acquisition Officer fixed the compensation payable at Rs.4,824/- per cent, as per the Award dated 17.08.2002. Because of the inadequacy of the compensation, the matter was sought to be referred to under Section 18 of the Land Acquisition Act. The reference Court enhanced the compensation to Rs.15,000/- per cent, granting such other benefits in terms of the relevant provisions of law. According to the appellants, the enhancement is exorbitant and without any rhyme or reason. Hence the challenge.

3. Heard the learned senior Government Pleader appearing for the appellants as well as the learned counsel appearing for the respondents.

4. During the course of hearing, it is brought to the notice of this Court that exactly similar matters involving very same acquisition and similar property had come up for consideration of this Court in LAA No. 1991 of 2008 preferred by the very same appellants. The Court observed that the issue was covered against the Government as per the decision rendered in LAA No. 844 of 2008 and accordingly, the aforesaid appeal was also dismissed, in terms of the verdict in LAA No. 844 of 2008.

6. We do not find any reason to take any deviation. The appeal is devoid of any merit and the same stands dismissed accordingly.

sd/-

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

sd/-

**K. HARILAL,
JUDGE**

kmd