

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

LA.App..No. 1789 of 2008 ()

AGAINST THE JUDGMENT AND DECREE IN LAR 47/1997 of ADDL.SUB
COURT,KOLLAM DATED 29-10-2004

APPELLANT(S)/RESPONDENT:

STATE OF KERALA
REP.BY DISTRICT COLLECTOR, KOLLAM.

BY SR.GOVERNMENT PLEADER SRI R.PADMARAJ

RESPONDENT(S):CLAIMANTS

1. THOMAS STEPHAN
PUTHEN VEEDU, PERUMON, PANAYAM.

2. THOMAS SEBASTIAN,
PUTHEN VEEDU, PERUMON , PANAYAM.

R,R1 & 2 BY ADV. SRI.K.S.MANU (PUNUKKONNOOR)

R,R1 & 2 BY ADV. SRI.P.SREEKUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

L.A.A No.1789 of 2008

Dated this the 3rd day of February, 2015

JUDGMENT

Ramachandran Nair, J.

The requisitioning authority herein is the Railways and the property was acquired for widening of railway line. The notification under Section 4(1) is dated 4.8.1994. The Land Acquisition Officer awarded land value @ Rs.8,581/- per Are. Rs.78,484/- was awarded for building and Rs.2555.19 was also granted for the value of improvements. The Reference Court enhanced the land value to Rs.19,760/- per Are.

2. We heard the learned Senior Government Pleader for the State and the learned counsel for the respondent. We find from para.6 of the judgment that to support the case of enhancement the following details have been furnished by the claimant. Anchalummoodu-Perumon PWD road is at a distance of 10 metres west of the acquired property and the Perinadu Railway Station is situated at a distance of 2 kms. The acquired property is located 250 metres west of the property acquired for Perumon Refractory and 200 metres from Perumon junction. Certain other important institutions are there within 200 metres.

3. Ext.A1 is certified copy of the judgment in L.A.R No.105/95. Therein 4.25 Ares of property comprised in Sy.No.5091/1 of Panayam Village was acquired for the purpose of Kerala Special Refractories as per notification dated 6.5.1986. The land value fixed @ Rs.5,276/- was enhanced to Rs.18,525/- per Are.

4. The court below did not rely upon the said judgment to arrive at the land value @ Rs.19,760/- per Are. There is a time lag between the two notifications by 5 years. Even though the judgment was not relied upon, considering various circumstances the land value was fixed at Rs.19,760/- per Are.

5. After going through the various items of evidence in the matter, we find no reasons to interfere with the the land value fixed by the trial court and the same is found reasonable.

This appeal is, in these circumstances, dismissed.

Sd/-
T.R.RAMACHANDRAN NAIR
Judge

Sd/-
P.VASHA
Judge

rtr/

/true copy/

P.S to Judge