

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

OP(C).No. 2722 of 2014 (O)

I.A.NO.1694/2012 IN LAR 24/2003 OF THE SUB COURT, CHERTHALA

PETITIONER:

MATHEN VARGHESE, AGED 68 YEARS,
PULLATTU HOUSE, PALLIPURAM VILLAGE, CHERTHALA

BY ADV. SRI.JOSHI N.THOMAS

RESPONDENTS:

1. STATE OF KERALA,
REP. BY SPECIAL TAHSILDAR(LA), INDUSTRIAL GROWTH CENTRE,
CHERTHALA, PIN-688524
2. THE MANAGING DIRECTOR,
K S I D C, THIRUVANANTHAPURAM-PIN-695001.

R1 BY GOVERNMENT PLEADER SRI.REJI JOSEPH
R2 BY ADV. SRI.JOBY CYRIAC, SC, KSIDC

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 19-06-2015, ALONG
WITH OPC. 2771/2014 AND CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP(C).No. 2722 of 2014 (O)

APPENDIX

PETITIONER'S EXHIBITS :

P1: - COPY OF THE JUDGMENT DTD 30/9/2009 IN LAR 24/2003 OF THE SUB COURT, CHERTHALA.

P2: - COPY OF THE PROOF AFFIDAVIT DTD 9/9/2009 FILED BY THE PETITIONER BEFORE THE SUB COURT, CHERTHALA.

P3: - COPY OF THE ORDER DTD 30/7/2014 IN IA NO 1694/12 IN LAR NO 24/2003 OF SUB COURT, CHERTHALA

RESPONDENTS' EXHIBITS :

NIL

// True Copy //

P.A. To Judge

DSV/23/6/15

B.KEMAL PASHA, J.

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O.P.(C). Nos.2722, 2723, 2771 & 2772 of 2014

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Dated this the 19th day of June, 2015

J U D G M E N T

The apprehension forwarded by the petitioners/claimants in O.P.(C) Nos.2722, 2723, 2771 & 2772 of 2014 is that the statutory benefit of getting interest at the rate of 12% per annum as per Section 23(1A) of the Land Acquisition Act would be denied to them.

2. The learned counsel for the 2nd respondent has brought the awards to the attention of this Court. As per the said awards, “an amount equivalent to 12% per annum on the enhanced market value from 24.01.1997 till 16.09.2000” has been granted to the claimants. The date 24.01.1997 is nothing but the date of Section 4(1) Notification. Matters being so, it seems that the said statutory benefit has been

granted to the claimants through the awards. In such case, it is for the execution court to look into the matter and to execute the awards.

With the said observations, these Original Petitions (Civil) are disposed of.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/19/6/15