

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

RP.No. 49 of 2015 () IN LA.App..722/2012

AGAINST THE JUDGMENT IN LA.App. 722/2012 of HIGH COURT OF KERALA
DATED 29-09-2014

REVIEW PETITIONER/RESPONDENT IN LAA:

STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, KOLLAM.

BY ADV. GOVERNMENT PLEADER SRI.ALOYSIOUS THOMAS

RESPONDENTS/APPELLANTS IN LAA:

1. SHAJIMON
S/O.CHELLAN, ASWATHY NIVAS, KUREEPUZHA
KOLLAM-691001.

2. SALIM
D/O.CHELLAN, DHANA, EDAMON
PUNALUR, KOLLAM.691001

3. SHEEJA
D/O.CHELLAN, ASWATHY NIVAS, KUREEPUZHA
KOLLAM.691001

4. BIJU MON
S/O.CHELLAN, ASWATHY NIVAS, KUREEPUZHA
KOLLAM.691001

BY SRI.PRATHEESH.P

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
20-02-2015, ALONG WITH LAA. 339/2014, RP. 125/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

REVIEW PETITIONER'S EXHIBITS

ANNEXURE I	TRUE COPY OF THE JUDGMENT IN LAA NO.221/2001
ANNEXURE II	TRUE COPY OF THE JUDGMENT IN LAA NO.1590/2009
ANNEXURE III	TRUE COPY OF THE JUDGMENT IN LAA NO.1123/2009
ANNEXURE IV	A COPY OF THE JUDGMENT IN LAR NO.325/2000

/TRUE COPY/

PA TO JUDGE

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

**R.P.Nos.49 OF 2015 in L.A.A.No.722 OF 2012
&
R.P.No.125 of 2015 in L.A.A.No.723 OF 2012**

Dated this the 20th day of February, 2015

JUDGMENT

Ramachandran Nair, J.

Both these review petitions are filed by the State.

2. We heard the learned Senior Government Pleader and the learned counsel for the respondent.

3. R.P.No.49/2005 is from the judgment in L.A.A.No.722/2012. R.P.No.125/2015 is from the judgment in L.A.A.No.723/2012. Both these appeals were heard together and we have rendered a common judgment. It is submitted by the learned Senior Government Pleader that while disposing of the appeals, this Court had relied upon the judgment in L.A.A.No.705/2012 wherein the judgment in L.A.A.No.495/2012 was relied upon. Accepting the argument of the learned counsel for the respondent, we fixed the land value at Rs.65,000/- per Are.

4. It is pointed out in the review petitions and during the

argument by the learned Government Pleader that L.A.A.No.495/2012 arose out of L.A.R.No.212/2000 of the Additional Sub Court, Kollam. The reference court fixed land value at 60% above the value awarded by the land acquisition officer. In L.A.A.No.495/2012 reliance was placed on the judgment in L.A.A.No.1123/2009, which was preferred from the judgment in L.A.R.No.325/2000 of the Sub Court, Kollam, produced as Annexure III along with the review petition. In L.A.A.No.1123/2009, the land acquisition officer had awarded land value @ 10,893/- per Are which was refixed to Rs.43,636/- per Are by the reference court. This was confirmed in the appeal. Actually as far as the judgment in L.A.R.No.325/2000 is concerned, there was a finding with regard to change of category and from the amount Rs.30,094/- per Are value was refixed to Rs.43,636/- per Are.

5. It is pointed out that the true effect of the judgment in L.A.A.No.1123/2009 has not been considered when we disposed of the appeal. Since there should have been proper consideration of various judgments rendered by this Court in respect of the very same

acquisition, we are of the view that there is apparent error in the judgment. Accordingly, we allow the review petitions and restore the appeals.

Post the appeals on 2.03.2015 for consideration. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE

P.V.ASHA, JUDGE

SV.

