

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

RP.No. 212 of 2015 (C) IN LA.App..495/2012

AGAINST THE ORDER/JUDGMENT IN LA.App. 495/2012 of HIGH COURT OF KERALA
DATED 17/7/2012
REVIEW PETITIONER(S)/RESPONDENT IN LAA:-:

STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, KOLLAM.

BY SHRI ALOYSIUS THOMAS, GOVERNMENT PLEADER

RESPONDENT(S)/APPELLANT IN LAA:-:

SATHEEDEVI
D/O.MEENAKSHI AMMA, 'SAROVAR', OLAYIL
KOLLAM - 691 001.

R BY SRI.PRATHEESH.P

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 29-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**T.R. RAMACHANDRAN NAIR &
A.V. RAMAKRISHNA PILLAI, JJ.**

R.P.No.212/2015 in LAA No.495/2012

Dated this the 29th day of July, 2015

ORDER

Ramachandran Nair, J.

This review petition is filed by the State from the judgment in LAA No.495/2012. We heard learned Senior Government Pleader for the review petitioner and learned counsel for the respondent.

2. In the appeal, this Court considered various aspects. Before the Division Bench learned counsel for the appellant relied upon the judgment in LAA No.1123/2009. By relying upon the land value therein, this Court refixed the land value in the instant case at the rate of Rs.65,000/- per are. The Land Acquisition Officer had fixed the land value at Rs.20,238/- per are which was refixed to Rs.32,381/- by the reference court.

3. It is pointed out in the review petition that in fact, in LAA No.1123/2009 though the Land Acquisition Officer has granted land

value only at the rate of Rs.10,893/- per are, the reference court was of the view that the land should have been included in category 5 and the Land Acquisition Officer should have awarded land value at the rate of Rs.30,094/- per are instead of Rs.10,893/- per are. The reference court thereafter fixed the land value for category 5 at Rs.43,640/- per are. It is submitted that the enhancement, going by the judgment in LAA No.1123/2009, will be from Rs.30,094/- per are to Rs.43,640/- per are and not from Rs.10,893/- to Rs.30,094/- per are. It is therefore submitted by the learned Senior Government Pleader that the percentage of increase will be less. This aspect has not been referred to before the Bench, it is submitted. We find force in the same.

4. Learned counsel for the appellant in the appeal, Shri Pratheesh submitted that there are other items of evidence to show that the property was lying in a very importance locality and having much potential. Since it appears that an apparent error has crept in while adopting the land value, we are of the view that the judgment is liable to be reviewed. Actually, the rate of increase adopted in LAA No.1123/2009 will have to be fixed only from Rs.30,094/- to

Rs.43,640/-, going by the contentions of the State.

Accordingly, the review petition is allowed and the judgment is recalled. The appeal will be re-posted for hearing. No costs.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(A.V. RAMAKRISHNA PILLAI, JUDGE.)

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