

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

RP.No. 747 of 2015 () IN LA.App..489/2012

AGAINST THE ORDER/JUDGMENT OF HIGH COURT OF KERALA DATED
03.08.2012 IN L.A.A.489/2012
AGAINST JUDGMENT AND DECREE IN LAR NO.38/2002 OF THE
ADDITIONAL SUB COURT, PALAKKAD DATED 12.04.2011

REVIEW PETITIONER(S)/1ST RESPONDENT IN LAA:

THE SPECIAL TAHSILDAR
LA.NO.1, KIIDC (KINFRA), PALAKKAD DISTRICT.

BY ADV. ALOYSIUS THOMAS, GOVERNMENT PLEADER

RESPONDENT(S)/APPELLANT & 2ND RESPONDENT IN LAA:

1. RANJITHA MARY
D/O. AROGYAMMAL, MALAMETTUKAD, KOZHIPARA
PALAKKAD DISTRICT-678 557.
2. THE MANAGING DIRECTOR
KERALA INDUSTRIAL INFRASTRUCTURE
DEVELOPMENT CORPORATION
VELLAYAMBALAM, THIRUVANANTHAPURAM-695 001.

R BY SRI.GEEN T.MATHEW
R BY SRI.O.RAMACHANDRAN NAMBIAR
R BY SRI.G.S.REGHUNATH

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
23-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN
&
A.V.RAMAKRISHNA PILLAI, JJ.

R.P.No.747 of 2015 in L.A.A.No.489 of 2012
and
C.M.Appl. No.479 of 2015 in RP 747 of 2015

Dated this the 23rd day of September, 2015

O R D E R

Thottathil B.Radhakrishnan, J.

1. Notice to the respondents is dispensed with having regard to the directions to be issued hereunder.
2. Perused affidavit. Heard. We are satisfied that sufficient cause has been shown to condone the delay. Hence, the captioned C.M.Application is allowed.
3. We have heard the learned senior Government Pleader.
4. The matter arises from a land acquisition case. The reference court passed an award on a reference under Section 18 of the Land Acquisition Act, 1894, hereinafter 'Act', for short. It is

submitted that there is yet another reference under Section 31 of the Act on the question of apportionment. The result of the decision rendered in the appeal is in relation to the market value and compensation payable for the land that is acquired. This means that the increased land value as ordered by the appellate court will apply to the entire extent acquired. The benefit of that enhancement will accrue to the persons who are entitled to compensation following acquisition. The ratio of division between such persons will obviously be in terms of any decision of the competent court on reference under Section 31 of the Act, which is stated to have already been made. Those are matters which will have to be worked out by the judicial authority or the administrative authority who will, ultimately, be responsible to release the amounts which will be deposited before the appropriate court following the appellate award. If the property is found to be belonging to one person exclusively in the reference under Section 31 of the Act, the release of amount will be made accordingly. These clarifications are added to the judgment sought to be reviewed to effectuate the

directions contained in the appellate judgment. This review petition is ordered accordingly.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(A.V.RAMAKRISHNA PILLAI, JUDGE)

jg/25/9