

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

RP.No. 121 of 2014

AGAINST THE JUDGMENT IN LA.App. 16/2006 of HIGH COURT OF KERALA DATED
27-03-2012
AGAINST JUDGMENT & DECREE IN LAR 11/2004 OF SUB COURT IRINJALAKUDA

REVIEW PETITIONER/1ST RESPONDENT IN LAA:

THE STATE OF KERALA
REP. BY THE DISTRICT COLLECTOR, THRISSUR, COLLECTORATE
AYYANTHOLE, THRISSUR.

BY GOVERNMENT PLEADER ALOYSIUS THOMAS

RESPONDENTS/APPELLANTS & 2ND RESPONDENT IN LAA:

1. GEORGE
S/O.NEELANKAVIL VARKEY
KALLETUMKARA VILLAGE & DESOM,
MUKUNDAPURAM TALUK 691585
2. BABY, W/O. GEORGE, NEELAMKAVIL HOUSE,
KALLETUMKARA VILLAGE & DESOM,
MUKUNDAPURAM TALUK - 691 585
3. THE MANAGING DIRECTOR,
KERALA ROADS AND BRIDGES DEVELOPMENT CORPORATION
ERNAKULAM.682 011

R1,2 BY SRI.G.SREEKUMAR CHELUR
R3 BY SRI.SHYSON P.MANGUZHA

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 10-
12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

kp/-

P.R. RAMACHANDRA MENON & ANIL K. NARENDRA, JJ.

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R.P. No. 121 of 2014

against

L.A.A. No. 16 of 2006

Dated this the 10th day of December, 2015

ORDER

RAMACHANDRA MENON, J

This review petition is sought to be filed by the State, seeking to interfere the verdict already passed by this Court on 27.3.2012 in appeal mainly contending that, the matters were already settled before the Lok Adalath and hence the enhancement ought not to have been awarded in the appeals preferred by the claimants.

2. Heard the learned Government Pleader as well as the learned counsel appearing for the respondents/claimants.

3. It is brought on record that the acquisition pertains to the properties taken over for Construction of the Kallettumkara Railway Over Bridge, pursuant to the notification issued under Section 4(1) of the Land Acquisition Act published on 28.1.2001. The Awarding Officer fixed the land value as ₹44,480/- per Are, which was re-fixed by the Reference Court as ₹83,015/- per Are. The claimants sought to have further enhancement and approached this Court by way of appeal. The concerned appeal was considered along with other connected appeals, including L.A.A.No.12 of 2006 and a common judgment was

passed on 27.3.2012, granting further enhancement to the extent as mentioned in the verdict, with all statutory benefits flowing therefrom. This is sought to be reviewed at the instance of the State contending that the matter had already been settled in the Lok Adalath proceedings and as such, no interference ought to have been made in the appeal preferred by the claimants.

4. During the course of hearing, it is brought to the notice of this Court that similar review petitions were filed before this Court by way of R.P.No. 1016 of 2013 in L.A.A.No. 12 of 2006, R.P.No.9 of 2014 in L.A.A.No.82 of 2006, R.P.No.82 of 2014 in L.A.A.No.1328 of 2007 etc. The above matters came up for consideration before another Bench on 23.9.2015. After hearing both the sides, the Court observed that the settlement arrived at between the parties in the Lok Adalath proceedings was only in respect of the execution proceedings with reference to the amount already awarded and that the same could not have any bearing with regard to the right to get enhancement to an appropriate extent. The contentions raised by the claimants were accepted and the review petitions were dismissed, holding that there was absolutely no merit in any of the said petitions.

In the above circumstances, nothing further requires to be considered in this review petition. We do not find any reason to

deviate from the view already expressed by this Court as per the order dated 23.9.2015 in R.P.No.1016 fo 2013 and connected cases. There is no error apparent on the face of the record so as to invoke the power of review. Interference is declined and the review petition stands dismissed.

**P.R. RAMACHANDRA MENON,
JUDGE**

**ANIL K. NARENDRAN,
JUDGE**

kp/-