

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.36 OF 2016

AGAINST THE JUDGMENT AND DECREE IN LAR 122/2013 DATED 31-08-2015
OF SUB COURT, THODUPUZHA

APPELLANT/CLAIMANT:

JOSE, S/O.AUGUSTY,
AGED 63 YEARS,
ANANDAVILASATHIL, PARATHATTEL, CHITTOOR, THODUPUZHA,
IDUKKI DISTRICT - 685 608.

BY ADVS.
SRI.K.S.HARIHARAPUTHRAN
SRI.DIPU JAMES
SRI.GEORGE MATHEW
SRI.M.D.SASIKUMAR
SHRI.SUNIL KUMAR A.G

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION,
KUILIMALA, PAINAVU, IDUKKI - 685 601.
- 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION,
PAINAVU P.O., IDUKKI DISTRICT -685 601.

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..332/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.332 OF 2016(C)

AGAINST THE JUDGMENT AND DECREE IN LAR 93/2014 DATED 19-03-2016
OF SUB COURT, THODUPUZHA

APPELLANT/CLAIMANT:

MATHEW VARGHESE,
AGED 47, S/O K.J.VARGESE, RESIDING AT KULANGARA
THOTTIYIL HOUSE, ARIKUZHA KARA, MANAKKADU VILLAGE,
THDUPUZHA.

BY ADVS.
SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P
SRI.G.RAJAGOPAL (KUMMANAM)

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION
COMPLEX, PAINAVU, KUILIMALA, IDUKKI, PIN:685603.
- 2 THE EXECUTIVE ENGINEER,
P.W.D ROADS DIVISION, PAINAVU (P.O) ,
IDUKKI, PIN:685603.

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

CO.No.118 OF 2017 IN LA.App.. 126/2017

AGAINST THE JUDGMENT AND DECREE IN LAR 71/2014 ON THE FILES OF
SUB COURT, THODUPUZHA DATED 31.10.2016

CROSS APPELLANT/OBJECTOR/CLAIMANTS:

MOHANAN NAIR
S/O. GOPALAN NAIR, VARICKATHANATHU (H), ARIKUZHA,
THODUPUZHA.

BY ADVS.
SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN
SRI.S.SATHYAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR IDUKKI, CIVIL
STATION, PAINAVU - 685 603.
- 2 THE EXECUTIVE ENGINEER PWD (ROADS),
DIVISION, PAINAVU P.O., IDUKKI - 685 603.

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

THIS CROSS OBJECTION/CROSS APPEAL HAVING BEEN FINALLY HEARD
ON 09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.126 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 71/2014 DATED 31-10-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL
STATION, PAINAVU
- 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION,
PINAVAL P.O., IDUKKI.

BY ADV.

SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

MOHANAN NAIR,
S/O. GOPALAN NAIR, VARICKATHANATHU
(H), ARIKUZHA (PRESENT ADDRESS V.G. MOHANAN NAIR,
SENIOR SUPERINTENDENT, TERMINAL MANAGEMENT AAI,
CALICUT INTERNATIONAL AIRPORT - 673 647)

BY ADVS.

SRI.S.ANANTHAKRISHNAN

SRI.N.K.SUBRAMANIAN

SRI.S.SATHYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.137 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 19/2014 DATED 31-10-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL
STATION, PAINAVU, KUILMALA,
- 2 THE EXECUTIVE ENGINEER
PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI

BY ADV.

SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

SRI.RAVINDRAN NAIR,
S/O. GOPALAN NAIR, VARICKATHANATHU (H), ARIKUZHA
P.O., MANAKKAD VILLAGE, THODUPUZHA TALUK PIN 685 584

BY ADVS.

SRI.S.ANANTHAKRISHNAN

SRI.N.K.SUBRAMANIAN

SRI.S.SATHYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.141 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 12/2014 DATED 31-10-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI

2 THE EXECUTIVE ENGINEER
PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

UNNIKRISHNAN NAIR,
S/O.GOPALAN NAIR, VARICKATHANATHU, ARIKUZHA 685584.

BY ADVS.
SRI.DOMSON J.VATTAKUZHAY
SRI.S.SATHYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.148 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 18/2014 DATED 31-10-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL
STATION, PAINAVU, KUILIMALA,

2 THE EXECUTIVE ENGINEER
PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

SRI.RAVINDRAN NAIR,
S/O.GOPALAN NAIR, VARICKATHANATHU (H), ARIKUZHA
P.O, MANAKKAD VILLAGE, THODUPUZHA TALUK, PIN -685
584.

BY ADVS.
SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN
SRI.S.SATHYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.164 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 6/2014 DATED 31-10-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL
STATION, PAINAVU, KUILIMALA,
- 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION,
PAINAVU P.O., IDUKKI

BY ADV.

SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

BETSY

W/O. SUNNY, THANNICKAL (H), MUTHALAKODAM,
THODUPUZHA, NOW RESIDING AT THANNICKAL (H), MANAKKAD
VILLAGE, PUTHUPARIYARAM P.O, THODUPUZHA 685584

BY ADVS.

SRI.S.ANANTHAKRISHNAN

SRI.N.K.SUBRAMANIAN

SRI.S.SATHYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.181 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 149/2013 DATED 31-10-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL
STATION, PAINAVU, KUILIMALA,

2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION,
PAINAVU.P.O., IDUKKI

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

SALI,
S/O.SIVARAMAN, KADMBANATHU (H), ARIKUZHA KARA, MANAKKAD
VILLAGE, THODUPUZHA TALUK, REPRESENTED BY HIS WIFE
AND POWER OF ATTORNEY HOLDER AMBILY SALI, PIN-
685584.

BY ADVS.
SMT.DEENA JOSEPH
SRI.P.G.GOKULNATH
SRI.T.R.S.KUMAR
SRI.P.B.PRADEEP
SRI.K.V.SABU
SRI.SOBIN SOMAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.208 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 11/2014 DATED 31-10-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI
- 2 THE EXECUTIVE ENGINEER
PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS:

- 1 RAVIBALAN PILLAI,
S/O. KRISHNAPILLAI, KUDIYIRIPPIL,
KANJIRAMATTAM, 682315
- 2 GEETHAMMA,
W/O. RAVIBALAN PILLAI, S/O. KRISHNAPILLAI,
KUDIYIRIPPIL, KANJIRAMATTAM, 682315

BY ADVS.
SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN
SRI.S.SATHYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.225 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 110/2014 OF SUB
COURT, THODUPUZHA DATED 31.10.2016

APPELLANTS/RESPONDENTS IN LAR:

- 1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, PAINAVU,
KUILIMALA P.O, IDUKKI.
- 2 THE EXECUTIVE ENGINEER
PWD ROADS DIVISION, PAINAVU P.O., IDUKKI

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS IN LAR:

- 1 SMT.LEENA JOSEPH,
W/O JOSEPH, PULIMALAYIL, CHITTOOR, MANAKKAD, IDUKKI
685584.
- 2 ABEESH JOSEPH,
S/O JOSEPH, MANIMALAKANDATHIL,
CHITTOOR, MANAKAKD, IDUKKI 685584.

FOR R1 & R2 BY ADVS.
SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN
SRI.S.SATHYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.248 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 3/2014 DATED 31-10-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL
STATION, PAINAVU, KUILIMALA,
 - 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION,
PAINAVU P.O., IDUKKI
- BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS:

- 1 JOSE,
S/O. JOSEPH, KOCHUPARAMBIL (H), PUTHUPARIYARAM P.O.,
CHOTTOOR, THODUPUZHA, PIN - 685 584.
 - 2 ELSY JOSE,
W/O. JOSE, KOCHUPARAMBIL (H), PUTHUPARIYARAM P.O.,
CHOTTOOR, THODUPUZHA, PIN - 685 584.
- BY ADVS.
SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN
SRI.S.SATHYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.256 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 73/2014 DATED 30-11-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR,
PAINAVU, IDUKKI.
 - 2 THE EXECUTIVE ENGINEER PWD ROADS DIVISION,
PAINAVU.P.O., IDUKKI
- BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

VASUMATHY,
W/O. NARAYANAN, PUTHUKKATTUPARAMBIL (H), ARIKUZHA
KARA, PIN-685608, MANAKKAD VILLAGE, THODUPUZHA.

BY ADVS.
SRI.T.R.S.KUMAR
SRI.P.B.PRADEEP
SRI.K.RAJAN
SMT.DEENA JOSEPH
SRI.T.K.SHAJITH

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.262 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 169/2013 DATED 30-11-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, PAINAVU
IDUKKI.

2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION,
PAINAVU P.O., IDUKKI

BY ADVS.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

MOTHER SUPERIOR
ST.MARY'S PROVINCE, ARADHANA MADAM, CHITTOOR KARA,
MANAKKAD - 685 608

BY ADVS.
SRI.DOMSON J.VATTAKUZH
SRI.S.SATHYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.266 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 72/2014 DATED 30-11-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL
STATION, PAINAVU, KUILIMALA,
- 2 THE EXECUTIVE ENGINEER
PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

VASUMATHY.
W/O.NARAYANAN, PUTHUKKATTUPARAMBIL (H), ARIKUZHA
KARA, PIN-685 608, MANAKKAD VILLAGE, THODUPUZHA.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.290 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 60/2014 DATED 30-11-2016
OF SUB COURT, THODUPUZHA

APPELLANTS/RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, PAINAVU,
IDUKKI.
- 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION,
PAINAVU P.O., IDUKKI

BY ADV.

SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

SOJAN ,
S/O.POULOSE, THOTTIYIL (H) ,ARIKUZHA KARA,
THODUPUZHA 685584

BY ADV.

SRI.ANIL PRASAD FOR R1

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.429 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 101/2014 DATED 30-11-2015
OF SUB COURT, THODUPUZHA

APPELLANT/CLAIMANT:

MOLLY,
D/O. VARGHESE, AMBATTU, AMAYAPRA, UDUMBANNOOR,
HAVING HER PRESENT ADDRESS AMBATTUKTIL (H) ,
ACHANKAVALA, MADAKKATHANAM.

BY ADV. SMT.A.K.PREETHA

RESPONDENTS/RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL
STATION COMPLEX, PAAINAVU, KUILIMALA, IDUKKI.

2 THE EXECUTIVE ENGINEER
PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI.

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.437 OF 2017

AGAINST THE JUDGMENT AND DECREE IN LAR 28/2014 DATED 21-12-2015
OF SUB COURT, THODUPUZHA

APPELLANT/CLAIMANT AND ADDITIONAL CLAIMANTS:

- 1 PRATHAP,
S/O ABRAHAM, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA
(REPRESENTING HIMSELF AS CLAIMANT AND AS LEGAL HEIR
OF VARGHESE ABRAHAM, PLACHERIKUNNU
PUTHENPURAYIL, ARIKUZHA WHO DIED DURING THE PENDENCY
OF PROCEEDINGS BEFORE THE REFERENCE COURT)
- 2 LEELAMMA ABRAHAM,
W/O LATE. ABRAHAM, PLACHERIKUNNU PUTHENPURAYIL,
ARIKUZHA (LEGAL HEIR OF VARGHESE ABRAHAM,
PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO DIED
DURING THE PENDENCY OF PROCEEDINGS BEFORE THE
REFERENCE COURT)
- 3 PRADEEP ABRHAM JAMES,
S/O LATE. ABRHAM, PLACHERIKUNNU PUTHENPURAYIL,
ARIKUZHA (LEGAL HEIR OF VARGHESE ABRAHAM,
PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO DIED
DURING THE PENDENCY OF PROCEEDINGS BEFORE THE
REFERENCE COURT)
BY ADV. SMT.A.K.PREETHA

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL
STATION COMPLEX, PAAINAVU, KUILIMALA, IDUKKI.685602.
- 2 THE EXECUTIVE ENGINEER,
PWD (ROADS) DIVISION, PAINAVU P.O, IDUKKI 685602.

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE

COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.35 OF 2018

AGAINST THE JUDGMENT AND DECREE IN LAR 13/2014 DATED 21-12-2015
OF SUB COURT, THODUPUZHA

APPELLANT/CLAIMANT AND ADDITIONAL CLAIMANTS:

- 1 SUNU JAMES,
 S/O. JAMES, PLACHERIKUNNU PUTHENPURAYIL,
 (VELLAMATTATHIL), ARIKUZHA.
- 2 SIMI VINU,
 W/O. LATE VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL,
 (VELLAMATTATHIL), ARIKUZHA (LEGAL HEIR OF VINU
 JAMES, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO
 DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE
 REFERENCE COURT)
- 3 ROHIT VINU (MINOR)
 S/O. LATE VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL,
 (VELLAMATTATHIL), ARIKUZHA (LEGAL HEIR OF VINU
 JAMES, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO
 DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE
 REFERENCE COURT) REPRESENTED BY HIS MOTHER AND
 LEGAL GUARDIAN SIMI VINU.
- 4 ROSH VINU (MINOR)
 S/O. LATE VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL,
 (VELLAMATTATHIL), ARIKUZHA (LEGAL HEIR OF VINU
 JAMES, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO
 DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE
 REFERENCE COURT) REPRESENTED BY HIS MOTHER AND
 LEGAL GUARDIAN SIMI VINU.
- 5 THANKAMONY,
 M/O. LATE VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL,
 (VELLAMATTATHIL), ARIKUZHA (LEGAL HEIR OF VINU
 JAMES, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO
 DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE
 REFERENCE COURT)

BY ADV. SMT.A.K.PREETHA

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
 REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL
 STATION COMPLEX, PAAINAVU, KUILIMALA, IDUKKU - 685
 603.
- 2 THE EXECUTIVE ENGINEER,
 PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI - 685
 603.

BY ADV.

SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.67 OF 2018

AGAINST THE JUDGMENT AND DECREE IN LAR 74/2014 DATED 26-03-2016
OF SUB COURT, THODUPUZHA

APPELLANT/CLAIMANT:

SMT.BHARATHI
W/O. MADHAVAN, POOVATHUMKUNNEL HOUSE, ARIKKUZHA
P.O., MANAKKAD VILLAGE, THODUPUZHA TALUK, PIN - 685
608.

BY ADV. SMT.ANU S NAIR

RESPONDENT/RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI - 685
603.
- 2 THE EXECUTIVE ENGINEER,
PWD ROAD DIVISION, PAINAV P.O., PIN - 685 603,
IDUKKI.

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.81 OF 2018

AGAINST THE JUDGMENT IN LAR 183/2013 OF SUB COURT, THODUPUZHA
DATED 30.03.2016

APPELLANTS/RESPONDENTS:

- 1 STATE OF KERALA
 REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION
 COMPLEX, PAINAVU P.O., KUILIMALA.
- 2 THE EXECUTIVE ENGINEER,
 PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI.

BY ADV.

SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT:

SRI. THOMAS (JOY)
S/O. PAULOSE, MOOZHICKACHALIL (H), ARIKKUZHA-685
608.

BY ADVS.

SRI.RAJESH VIJAYAN
SRI.S.SATHYAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 09TH DAY OF JULY 2019 / 18TH ASHADHA, 1941

LA.App..No.173 OF 2018

AGAINST THE JUDGMENT AND DECREE IN LAR 117/2014 OF SUB
COURT, THODUPUZHA DATED 22.02.2016

APPELLANT/CLAIMANT:

P.N. NATESAN,
S/O.NARAYANAN, PUTHENPURAYIL, CHITTOOR KARA,
MANAKKAD VILLAGE.

BY ADV. SRI.DOMSON J.VATTAKUZHAY

RESPONDENTS/RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI,
CIVIL STATION COMPLEX, PAINAVU POST, KUILIMALA.

2 THE EXECUTIVE ENGINEER
P.W.D. (ROADS) DIVISION, PAINAVU, POST, IDUKKI.

BY ADV.
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**LAA Nos.36 & 332 of 2016,
L.A.A Nos.126, 137, 141, 148, 164, 181, 208, 225, 248, 256,
262, 266, 290, 429 & 437 of 2017
and
L.A.A Nos.35, 67, 81 & 173 of 2018**

J U D G M E N T

These appeals are directed against the decrees and judgments in a batch of references under Section 18 of the Land Acquisition Act, 1894 (the Act) in respect of lands acquired for widening Thodupuzha-Ramamangalam Road (Reach II) pursuant to a notification issued under the Act on 03.03.2010. Among the appeals, L.A.A Nos.126, 137, 141, 148, 164, 181, 208, 225, 248, 256, 262, 266, 290 of 2017 and 81 of 2018 are by the State and the remaining appeals are by the claimants in the proceedings. The Land Acquisition Officer divided the lands into five categories and the lands involved in these matters are lands brought under Category 1B. The land value fixed by the Land Acquisition Officer for the lands included in category 1B is Rs.55,556/- per Are. On reference, the reference

court enhanced and re-fixed the land value between Rs.2,02,290/- to Rs.3,68,802/- per Are. The claimants as also the State are aggrieved by the land value fixed by the reference court and hence these appeals.

2. Heard the learned Government Pleader as also the learned counsel for the claimants.

3. It is seen that there was a batch of references in respect of the lands acquired for the same purpose, pursuant to the same notification by including in different categories. Though the references were not jointly tried, it is seen that the claimants sought enhanced compensation in all the proceedings mainly based on four documents, viz, certified copy of sale deed No.1142 of 2012 of Thodupuzha SRO dated 12.4.2012, a copy of the order issued by the Government on 27.3.2013, approving the land value fixed for negotiated purchase of a few lands situated at Arakuzha Village for the development of Ernakulam - Thekkady Highway, and the judgments of this court in respect of lands acquired for a different purpose, in LAA No.399 of 2013 and 532 of 2013. The oral evidence tendered by the claimants is also on the same lines specifying the locational importance of the acquired lands. The reference court took the view that the documents relied on by the claimants except sale deed No.1142 of 2012 cannot be accepted for the purpose of fixing the land

value of the acquired lands. Consequently, even though the sale deed referred to above is a post notification sale deed, the reference court fixed the land value for almost all the lands falling under category 1A at Rs.3,68,802/- per Are and based on the said valuation, fixed the land value for the lands included in category 1B at 25% below the land value fixed for the lands included in category 1A. As the matters were not tried together, in a few references, different land values were also fixed. Be that as it may. In terms of the judgment in LAA No.150 of 2017 and connected cases pertaining to lands acquired for the same purpose, pursuant to the same notification by including in category 1A, I have held that the land value fixation made for the said properties by the reference court based on sale deed No.1142 of 2012 cannot be accepted. I have also found that the land value fixed by the Land Acquisition Officer is also not correct and liable to be revised. In the light of the said findings, I have remitted those matters for fresh disposal to the reference court. In so far as the basis of the fixation of land value made in these matters are the land value shown in sale deed No.1142 of 2012 and the land value fixed for the lands included in category 1A, according to me, these matters are also liable to be remitted for fresh disposal.

In the result, the land acquisition appeals are allowed and the matters are remitted for fresh disposal to the reference court. The

appellants in LAA Nos.36 and 332 of 2016, 429 and 437 of 2017, 35, 67 and 173 of 2018, will be entitled to refund of the court fee paid on the memoranda of appeals. All the interlocutory applications in the appeals are closed.

Sd/-

P . B . SURESH KUMAR

JUDGE

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