

Ashaletha Vs. State of Kerala Rep.by the Special Tahsi

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Court : Kerala

Decided On : Jul-30-2013

Judge : Honourable Mr.Justice S.Siri Jagan

Appellant : Ashaletha

Respondent : State of Kerala Rep.by the Special Tahsi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.SIRI JAGAN & THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN TUESDAY, THE 30TH DAY OF JULY 2013 8TH SRAVANA, 1935 LA.App..No. 306 of 2011 ----- AGAINST THE JUDGMENT IN LAR 84/2009 of SUB COURT, CHENGANNUR, DATED 15 12-2009 APPELLANT(S)/CLAIMANT.: ----- ASHALETHA NIKUMJAM POOMANGALATHU, THITTAMEL MURI MULAKKUZHA VILLAGE, CHENGANNUR TALUK. BY ADV. SRI.SERGI JOSEPH THOMAS RESPONDENT(S): RESPONDENTS ----- 1. STATE OF KERALA REP.BY THE SPECIAL TAHSI SPECIAL TAHSILDAR, L.A.GENERAL, ALAPPUZHA.

2. THE EXECUTIVE ENGINEER, K.S.T.P., KPWD, KOTTARAKKARA-691506. GOVT. PLEADER SRI. S. JAMAL. THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 30-07-2013, ALONG WITH L.A.A.NO. 307/2011, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: S. Siri Jagan

& K. Ramakrishnan, JJ.

----- L.A.A. Nos. 306 & 307 of 2011 -----
----- Dated this, the 30th day of July, 2013.

JUDGMENT

Siri Jagan, J.

These appeals are filed by the claimants in L.A.R.Nos. 84/2009 and 59/2009 before the Sub Court, Chengannur. Properties belonging to the claimants were acquired as per a notification dated 3.6.2005 issued under Section 4(1) of the Land Acquisition Act. For both properties, the Land Acquisition Officer fixed the land value at Rs. 98,654/- per are. Both the claimants sought reference. The reference came up in the same court, but before different presiding officers. In respect of the land value involved in L.A.A. NO. 306/2011, the reference court re-fixed the land value at Rs. 3 lakhs per are and for the land involved in the other appeal, the reference court re-fixed the land value at Rs. 5 lakh per are. Dissatisfied with the land value fixed by the reference court, the appellants have filed these appeals seeking enhanced land value.

2. Counsel for the appellants produces before us the judgments in L.A.A. Nos. 283/2011 and 294/2011 in respect of comparable lands acquired under the very same notification in which also the land value fixed by the Land Acquisition Officer was Rs. 98,654/- per are. In those appeals, this Court re-fixed the land value at Rs. 6,50,000/- per are. Counsel for the appellants submits that the appellants in these cases are also entitled to the very same land value insofar as the lands are comparable. L.A.A. Nos. 306 & 307 of 2011 -:

2. :- 3. We have heard the learned Government Pleader also. The learned Government Pleader could not dispute the fact that the lands involved in L.A.A.Nos. 283/2011 and 294/2011 are comparable to the lands involved in these appeals. As such, the appellants in these appeals are also entitled to get land value at the same rate as in those appeals. Therefore, following the judgments in L.A.A.Nos. 283/2011 and 294/2011 in respect of comparable lands, we re-fix the land value for the lands involved in these appeals also as Rs. 6,50,000/- per are.

Needless to say, the appellants would be entitled to statutory benefits as applicable to the land value re-fixing as above. The appeals are partly allowed as above. Sd/- S. Siri Jagan, Judge. Sd/- K. Ramakrishnan, Judge. Tds/ [True copy] P.S to Judge.

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