

The State of Kerala Vs. Ravi

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Court : Kerala

Decided On : Oct-08-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : The State of Kerala

Respondent : Ravi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.T.SANKARAN & THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS TUESDAY, THE 27TH DAY OF NOVEMBER 2012 26TH AGRAHAYANA 1934 LA.App..No. 507 of 2012 ()
----- LAR.383/2005 of SUB COURT, PATHANAMTHITTA
APPELLANT(S)/RESPONDENTS 1 AND 2 -----

1. THE STATE OF KERALA REP. BY THE DISTRICT COLLECTOR, PATHANAMTHITTA.

2. THE EXECUTIVE ENGINEER K.S.T.P, DIVISION, KOTTARAKKARA. BY ADV. GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER.
RESPONDENT(S)/CLAIMANTS: ----- 1. RAVI HARI NILAYAM, PERUMPULICKAL MURI, PANDALAM THEKKEKARA 690107.

2. SINDHU, W/O. RAVI, HARI NILAYAM, PERUMPULICKAL MURI PANDALAM, THEKKEKARA 690107. THIS LAND ACQUISITION APPEAL HAVING COME UP

FOR ADMISSION ON 27 11-2012, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: K.T.SANKARAN & M.L.JOSEPH FRANCIS, JJ.

----- L.A.A. No.507 of 2012
----- Dated 27th November, 2012.

JUDGMENT

K.T.Sankaran, J.

An extent of 0.36 Ares of land in Survey No.142/22 of Pandalam Thekkekkara Village in Adoor Taluk was acquired for the purpose of widening Kottarakkara - Adoor - Chengannur M.C.Road. Notification under Section 4(1) of the Land Acquisition Act was published on 7.2.2003. The Land Acquisition Officer fixed the land value at Rs.21,925/- per Are. The respondents/claimants were not satisfied with the amount awarded by the Land Acquisition Officer. They filed an application for reference under Section 18 of the Land Acquisition Act. Accordingly, the case was referred to the Sub Court, Pathanamthitta, whereby, it was numbered as L.A.R.No.383 of 2005. The Land Acquisition Court, by the judgment dated 10.3.2010 awarded enhanced compensation to the respondents, fixing the land value at Rs.1,35,905/- per Are, instead of Rs.21,925/- per Are fixed by the Land Acquisition Officer. The State is aggrieved by the judgment passed by the Land Acquisition Court. L.A.A. No.507 of 2012 2 2. The respondent/claimant relied on Ext.A1 judgment in LAR No.312/05 and claimed Rs.2,50,000/- per Are. The court below fixed the land value at Rs.1,35,905/- per Are, on the reasoning that the land being on the side of the M.C. Road, it would fetch a value of Rs.1,50,000/- per Are.

3. In LAR No.312/05, land value was fixed at the rate of Rs.1,50,000/- per Are in respect of acquisition of land for the same purpose, under the same notification. The learned Government Pleader submitted that the land value in LAR No.312/05 was fixed on the basis of a compromise decree in LAR No.315/05 and connected cases, whereunder, land value was fixed at the rate of Rs.1,35,905/- per Are. In those cases, the land value was fixed at Rs.1,35,905/- on an agreement between the parties and the District Level Purchase Committee (for short, 'DLPC'). The State contended that the rates fixed by the DLPC included the interest and

solatium components as well and therefore, the Reference Court in LAR No.312/05 was not justified in fixing the compensation at Rs.1,50,000/- per Are. The State filed LAA No.345 of 2011, challenging the judgment L.A.A. No.507 of 2012 3 in LAR No.312/05. That appeal was allowed by a Division Bench of this Court, by the judgment dated 14.3.2012 and the award passed by the Reference Court was set aside and the case was remanded.

4. Following the judgment in LAA No.345 of 2011, we had allowed LAA No.174 of 2012, LAA No.654 of 2011 and other connected cases and those cases were remanded to the Reference Court for fresh disposal.

5. In the present case, the court below fixed the land value at Rs.1,35,905/- per Are only on the ground that the land value was fixed at that rate in LAR No.312 of 2005. Since connected matters have been remanded to the Land Acquisition Court for fresh consideration, we are inclined to allow this Land Acquisition Appeal, set aside the judgment of the Reference Court and remand the case for fresh disposal. Accordingly, the judgment and decree passed by the court below in LAR No.383 of 2005 is set aside and the case is remanded to the court below for fresh disposal. Both parties will be entitled to adduce evidence. The court below shall take L.A.A. No.507 of 2012 4 into account all relevant aspects, including judgments of this Court, which have become final. Sd/- K.T.SANKARAN, JUDGE. Sd/- M.L.JOSEPH FRANCIS, JUDGE. tgs (true copy)

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