

State of Kerala vs Thressia and Others

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Court : Kerala

Decided On : Mar-19-2025

Judge : Honourable Mr. Justice Sathish Ninan, Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : LA.App./261/2011

Appellant : State of Kerala

Respondent : Thressia and Others

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT : THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE &
THE HONOURABLE MR. JUSTICE K.HARILAL MONDAY, THE 21ST
NOVEMBER 2011 / 30TH KARTHIKA 1933 LA.App..No. 261 of 2011()
----- LAR.126/2008 of III ADDL.SUB COURT,
ERNAKULAM APPELLANT(S): RESPONDENT NO.1 IN
LAR ----- STATE OF KERALA, REPRESENTED
BY THE SPECIAL TAHSILDAR (LA), ICTT, VALLARPADAM, ELOOR.
BY SR. GOVERNMENT PLEADER C.R.SHYAMKUMAR
RESPONDENT(S): CLAIMANTS AND ADDL.RESPONDENT NO.2 IN
LAR -----

1. THRESSIA, W/O.JOSEPH, KARUMKOTTAYIL, MOOLAMPILLY.MULAVUKAD - 682 504
2. GRACY, W/O.THOMAS, PANDARAPARAMBIL, MAMANGALAM. PALARIVATTOM - 682025
3. JUDIT, W/O.GEORGE, THAITHARA, NORTH JETTY, MULAVUKAD.- 682504
4. ANNIE, W/O.JOSEPH, CHEMAYETH VEEDU, KOTHAD CHITTOOR 682 0277.
5. JOSHY, S/O.JOSEPH, KARUKOTTAYIL VEEDU, MOOLAMPILLY.MULAVUKAD 682504
6. LISSIYA, W/O.AUGUSTINE, KURISINGAL, NADUVILA JETTY, MULAVUKAD. 682 504
7. STANLY, S/O.JOSEPH VARKEY, KARUKOTTAYIL, MOOLAMPILLY. MULAVUKAD 682 504
8. THE CHAIRMAN, COCHIN PORT TRUST, W.ISLAND. 682 003

ADV. SRI.E.K.NANDAKUMAR FOR R8 SRI.A.K.JAYASANKAR NAMBIAR FOR R8 SRI.LAL K.JOSEPH FOR R1-7 SRI.A.A.ZIYAD RAHMAN FOR R1-7 SMT. THUSHARA JAMES-R8 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 21/11/2011, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: PIUS C. KURIAKOSE & K. HARILAL, JJ. LAA. No. 261 of 2011 Dated this the 21st day of November, 2011

JUDGMENT

Pius C.Kuriakose, J.

The Government is in appeal. The case pertains to

acquisition of wet land in Kadamakudy Village without any road frontage. The acquisition was pursuant to Section 4(1) notification published on 27-9-1995 for the purpose of construction of four line connectivity from Kalamassery to ICTT Vallarpadam. The LA Officer included the property in the category of without any road frontage and awarded land value at Rs.8658/- per Are only. The learned Subordinate Judge on the basis of the evidence adduced by the parties would re-fix the land value at Rs.1,16,630/- per Are, thus giving increase by 1247.07% over what was awarded by the

L.A. Officer. The learned Senior Govt. Pleader Sri. C.R.Shyamkumar and Smt. Thushara James for the requisitioning authority would draw our attention to the

judgment of this Court in LAA. No. 272 of 2010. It was

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pointed out that under that judgment this court has re-fixed the value of wet lands in category 7B acquired for the same purpose pursuant to the same notification. It was submitted that under that judgment for wet lands which were actually superior to the wet lands involved in the present case this court had re-fixed land value at Rs.27,170/- per Are by

allowing Government's appeals. Counsel submitted that if the above judgment is followed, the maximum value which the claimants in this case can aspire for is around Rs.19,000/- per Are only. The learned counsel for the claimants however, would support the impugned award of the reference court. According to him, there is warrant for interference.

2. Having anxiously considered the submissions addressed at the Bar, we are of the view that the ratio

maintained by the L.A. Officer between the value of the present properties and the value of properties which he had included in category 7B is not the correct ratio. According to them, the value of the present property is only 71% of -3- the value of properties in 7B. In our opinion, the correct ratio to be maintained between the properties in category 7B and the present properties is 100 : 80. This means that

relying on the judgment in L.A.A. No. 272 of 2010, value of the present properties can be re-fixed at Rs.21,736/- per Are, which we round off to Rs.22,000/- per Are. Appeal is allowed re-fixing value of land under

acquisition at Rs.22,000/- per Are. The claimants will be entitled to all statutory benefits admissible under Sections 23(1A), 23(2) and Section 28 of the Land Acquisition Act. We make it clear that while we are directing the parties to suffer their respective costs in this appeal, we have not interfered with the costs awarded in favour of the claimants by the reference court.

(PIUS C.KURIAKOSE, JUDGE) (K. HARILAL, JUDGE) ksv/-

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