

State of Kerala vs Indira

State of Kerala vs Indira

SooperKanoon Citation : sooperkanoon.com/1291676

Court : Kerala

Decided On : Mar-26-2024

Judge : Honourable Mr. Justice a.Muhamed Mustaque,Honourable Mr. Justice M.a.Abdul Hakhim

Appeal No. : LA.App./239/2015

Appellant : State of Kerala

Respondent : Indira

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM TUESDAY, THE 26TH DAY OF MARCH 2024 / 6TH CHAITHRA, 1946 LA.APP. NO. 197 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 31.07.2013 IN LAR NO.960 OF 2009 OF II ADDITIONAL SUB COURT, THIRUVANANTHAPURAM APPELLANT/RESPONDENT: STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM BY ADV GOVERNMENT PLEADER SRI. T.K. SHAJAHAN SR GP RESPONDENT/CLAIMANT: SANTHAMMA, KOCHUPARAKKUDI

VEEDU, VELI, TITANIUM P O, THIRUVANANTHAPURAM 695 021 BY ADVS. SRI.LAL GEORGE FOR R1 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 26.03.2024, ALONG WITH LA.App..239/2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM TUESDAY, THE 26TH DAY OF MARCH 2024 / 6TH CHAITHRA, 1946 LA.APP. NO. 239 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 31.07.2013 IN LAR NO.961 OF 2009 OF II ADDITIONAL SUB COURT, THIRUVANANTHAPURAM APPELLANTS/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM. 2 THE DIRECTOR, TOURISM DEPARTMENT, BY ADV GOVERNMENT PLEADER SRI. T.K. SHAJAHAN SR GP RESPONDENTS/CLAIMANTS: 1 INDIRA, D/O.CHELLAMMA, VAYALIL VEEDU, VELI, 2 KEERITHY, D/O.INDIRA, VAYALIL VEEDU, VELI, BY ADV SRI.LAL GEORGE FOR R1 AND R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 26.03.2024, ALONG WITH LA.App..197/2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..3..

JUDGMENT

[LA.App. Nos.197/2015, 239/2015]

M.A. Abdul Hakhim, J.

The State has filed these appeals challenging the enhancement of land value awarded in LAR No.960/2009 and Thiruvananthapuram. LAA No.197/2015 is filed against the

judgment and decree dt 31.07.2013 in LAR 960/2009. LAA

No.239/2015 is filed against the judgment and decree dated 31.07.2013 in LAR No. 961/2009. Since the properties involved in both these cases are acquired by the very same Section 4(1) Notification dated 02.03.2006 for the purpose of development of Veli Amusement Park and both the properties belong to the same category these two appeals are disposed by a common judgment.

2. In LAR No. 960/2009 the acquired land is 4.45 Ares

in Sy.No.2795/1 of Kadakampally Village in Thiruvananthapuram Taluk. In LAR No. 961/2009 the acquired land is 3.20 Ares in Sy.No.2795/2, 2795/2-1 of Kadakampally ..4.. Village in Thiruvananthapuram Taluk.

3. The Land Acquisition officer awarded land value at

the rate of Rs.74,100/-Per Are in both the cases. The Reference Court refixed the land value at Rs.8,64,500/- relying on the common judgment dt 20.03.2009 in LAR Nos. Thiruvananthapuram which was produced as Ext.A3 in LAR No. 960/2009 and as Ext.A2 in LAR No.961/2009. The date of Section 4(1) Notification with respect to the said common

judgment is 26.06.2006. The properties involved in the said

judgment are also situated in Kadakampally Village in

Thiruvananthapuram Taluk. The Reference Court found that the properties acquired in LAR No.960/2009 and 961/2009 are situated outside the city limits and hence the land value is refixed after deducting 30% from the land value in the aforesaid common judgment. Since there is proximity in time with respect to the

Section 4(1) Notifications in the aforesaid common judgment

and in the present case and since both the properties are situated in the same village, the Reference Court is fully justified in relying on the aforesaid common judgment in LAR ..5.. No. 20/2004 series. Considering the higher importance of

the property involved in the common judgment in LAR 20/2004 series necessary reduction is also given by the Reference court. We do not find any infirmity or illegality in the

judgment of the Reference Court. Accordingly we dismiss both

the appeals without cost confirming the judgments and decrees passed by the Reference Court in both the the LARs. Sd/- A.MUHAMED MUSTAQUE JUDGE
Sd/- M.A.ABDUL HAKHIM JUDGE PR

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com