

The State of Kerala vs Gopakumar

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Court : Kerala

Decided On : Jun-10-2024

Judge : Honourable Mr. Justice G.Girish

Appeal No. : LA.App./33/2017

Appellant : The State of Kerala

Respondent : Gopakumar

Judgement :

LA.APP. NO. 33 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 24.11.2015 IN LAR NO.525 OF 2010 OF II ADDITIONAL SUB COURT, THIRUVANANTHAPURAM 2 THE EXECUTIVE ENGINEER PWD ROADS DIVISION, THIRUVANANTHAPURAM. GOPAKUMAR, S/O.SEKHARAN NAIR, T.C.50/755(2), THRIKKETTA, KALADY, KARAMANA P.O, THIRUVANANTHAPURAM-695 002. BY ADV SRI.G.SUDHEER THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON 04.06.2024, ALONG WITH LA.App..38/2017, 53/2017 AND LA.APP. NO. 38 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 16.11.2015 IN LAR NO.5 OF 2011 OF IIND ADDITIONAL SUB COURT, THIRUVANANTHAPURAM 2 THE EXECUTIVE ENGINEER PWD DIVISION, THIRUVANANTHAPURAM. R.ANILKUMAR, S/O.RAJASEKHARAN NAIR, T.C.50/351(1), SREE

NANDANAM, KALADY, KARAMANA P.O, THIRUVANANTHAPURAM-695 002. BY ADV SRI.SABU GEORGE THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON 04.06.2024, ALONG WITH LA.App..33/2017, 53/2017 AND LA.APP. NO. 53 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 25.11.2015 IN LAR NO.599 OF 2010 OF II ADDITIONAL SUB COURT, THIRUVANANTHAPURAM

2 THE EXECUTIVE ENGINEER PWD DIVISION, THIRUVANANTHAPURAM. NIRMALA KUMARI W/O. R. ANIL KUMAR, T.C. 50/351(1), SREENANDANAM, KALADY, KARAMANA. PIN - 695 002. BY ADVS. SRI.NIDHI BALACHANDRAN SRI.SABU GEORGE THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 04.06.2024, ALONG WITH LA.App..33/2017 AND LA.APP. NO. 41 OF 2017

AGAINST THE JUDGMENT AND DECREE DATED 24.11.2015 IN LAR NO.530 OF 2010 OF II ADDITIONAL SUB COURT, THIRUVANANTHAPURAM

2 THE SPECIAL TAHSILDAR (LA) PWD, (SC), THIRUVANANTHAPURAM 3 THE EXECUTIVE ENGINEER PWD DIVISION, THIRUVANANTHAPURAM. 1 R.SINDHU D/O.RADHAKUMARI AMMA, T.C.50/755(1), RADHA NIVAS, KALADY, KARAMANA P.O., THIRUVANANTHAPURAM-695002 2 RADHAKUMARI AMMA D/O.RETNAMMA, T.C.50/755(1), RADHA NIVAS, KALADY, KARAMANA P.O., THIRUVANANTHAPURAM-695002 BY ADV SRI.G.SUDHEER THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 04.06.2024, ALONG WITH LA.App..33/2017 AND

G.GIRISH, J.

----- L.A.A.Nos.33 of 2017, 38 of 2017, 41 of 2017 and 53 of 2017
----- Dated this the .. day of ..,2024

JUDGMENT

The State of Kerala has filed all these appeals aggrieved by the judgments rendered by the II Additional Sub Court, Thiruvananthapuram refixing the land value of the acquired properties at Rs.12,00,000/- per Are.

2. The acquisitions were made for the widening of Kalady- Maruthoorkadavu (Reach-I) and Karamana-Thaliyal (Reach-II)

road. The notification under Section 4(1) was published on

Thiruvananthapuram Taluk.

3. When these cases were taken up for hearing, the

learned Government Pleader representing the appellant submitted that similar appeals, filed as LA.App.No.145 of 2018 and LA.App.No.159 of 2018, in respect of identical lands acquired under the same notification, were disposed of by this Court as per the judgment dated 13.09.2023 fixing the land value as Rs.7,41,000/- per Are. It is also pointed out that the same land value of Rs.7,41,000/- per Are was fixed by the II Additional Sub Court, Thiruvananthapuram in L.A.R.No.451 of 2010 as per the

judgment dated 25.10.2021 in respect of identical land acquired

under the same notification, and that no appeal has been preferred against the said verdict. The copies of the judgment of this Court in LA.App.No. 145 of 2018 and LA.App.No.159 of 2018, and that of the II Additional Sub Court, Thiruvananthapuram in L.A.R.No.451 of 2010 are placed before me for perusal.

4. The learned counsel for the respondents and the

learned Government Pleader representing the appellant submitted that the land value fixed at Rs.7,41,000/- per Are in respect of the aforesaid land of Manacaud village in Thiruvananthapuram Taluk in connection with the acquisition made under the 4(1) notification published on 30.09.2006, could be considered as final in view of the decisions of this Court and the II Additional Sub Court, Thiruvananthapuram referred in the aforesaid paragraph.

5. Having regard to the aforesaid facts and circumstances

of the case as revealed from the records and also from the submissions of the learned Government Pleader and the learned counsel for the respondents, I deem it appropriate to dispose of these appeals by fixing the land value of the acquired property at Rs.7,41,000/- per Are. In the result, these appeals stand allowed. The land value of the properties acquired is refixed at Rs.7,41,000/- (Rupees seven lakhs forty one thousand only) per Are. The respondents will be entitled to all the statutory benefits arising out of the fixation of the land value as above. Sd/-
G.GIRISH, JUDGE jsr/

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