

State of Kerala vs Fr.Vicar

State of Kerala vs Fr.Vicar

SooperKanoon Citation : sooperkanoon.com/1352091

Court : Kerala

Decided On : Oct-11-2023

Judge : Honourable Mr. Justice P.B.Suresh Kumar, Honourable Mr. Justice P.G. Ajithkumar

Appeal No. : LA.App./214/2017

Appellant : State of Kerala

Respondent : Fr.Vicar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP.NO. 521 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 27.02.2015 IN LAR NO.23 OF 2014 OF THE SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS NO.1 TO 3 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM 2 THE SPECIAL TAHSILDAR (LA) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER

RESPONDENT/CLAIMANT: FR.VICAR ZACHARIAS ATTAPATTU, KADUTHURUTHY, THAZHATHUPALLY(ST. MARYS'S FERONA CHURCH), KADUTHURUTHY P O, KADUTHURUTHY VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT - 686604. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.557/2015, DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 557 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 27.02.2015 IN LAR NO.7 OF 2014 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (LA) GENERAL KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROADS DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENTS/CLAIMANTS: 1 ROSAMMA W/O.JOSEPH, MANADIYEL HOUSE, PUTHEN PURACKAL, KADUTHURUTHY P.O, KADUTHURUTHY VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT. 2 BIJU VARGHESE, S/O.VARGHESE, ERAVELI HOUSE, MUTTATHIPARAMBU P.O, SREEKANDA MANGALAM KARA, THANNIRMUKKAM VILLAGE, CHERTHALA TALUK, ALAPPUZHA DISTRICT, REPRESENTED BY POWER OF ATTORNEY HODLER ROSAMMA JOSEPH, W/O.LATE JOSEPH, MANNADIYEL HOUSE, PUTHEN PURACKAL, KADUTHURUTHY P.O, KADUTHURUTHY VILLAGE, VAIKOM TALK, KOTTAYAM DISTRICT. R1 & R2 BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON

04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 586 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 27.02.2015 IN LAR NO.75 OF 2013 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A), GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: JAIMON CYRIAC, S/O.CYRIAC, CHACKIKUNNEL HOUSE, KADUTHURUTHYP.O. KADUTHURUTHY VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT - 686 604. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 595 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 27.02.2015 IN LAR NO.69 OF 2013 OF THE SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (LA) GENERAL, KOTTAYAM. 3 THE

EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY
SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENT/CLAIMANT: FR.VICAR, KADUTHURUTHY
THAZHATHUPALLY (ST MARY'S FERONA CHURCH),
KADUTHURUTHY P.O., KADUTHURUTHY VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT - 686 604. BY ADVS. SRI.DOMSON
J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION
APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023,
ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE
COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR &
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY,
THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP.
NO. 601 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED
27.02.2015 IN LAR NO.3 OF 2014 OF THE SUB COURT, KOTTAYAM
APPELLANTS/RESPONDENTS NO.1 TO 3: 1 STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE
SPECIAL TAHSILDAR (L.A.) GENERAL, KOTTAYAM. 3 THE
EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY
SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENT/CLAIMANT: SANKARAN NAMBOOTHIRI,
S/O.NEELAKANDAN NAMBOOTHIRI, NEDUNILAM, VELLASSERI,
KADUTHURUTHY P.O., KADUTHURUTHY VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT, REPRESENTED BY POWER OF ATTORNEY
HOLDER HIS SON-IN-LAW MR.MADHUSOODHAN NAMBOOTHIRI,
AGED 43 YEARS, S/O.NARAYANAN NAMBOOTHIRI, MURALEE
SADHANAM, AREEPARMBU P.O., MANARCADU VILLAGE,
KOTTAYAM TALUK, KOTTAYAM DISTRICT-686019. BY ADVS.
SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND
ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON

04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 603 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 27.02.2015 IN LAR NO.13 OF 2014 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS NO.1 TO 3: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (LA) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: FR.VICAR, KADUTHURUTHY VALIYAPALLY (ST. MARY'S FERONA CHURCH), KADUTHURUTHY VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT - 686 604. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 609 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 27.02.2015 IN LAR NO.15 OF 2014 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REP. BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (LA) GENERAL, KOTTAYAM. 3 THE

EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: LISAMMA, THUNDATHIL KAROTTU, KADAPPOOR, VATHIKULAM, KADUTHURUTHY VILLAGE, VAIKOM TALUK, KOTTAYAM, REPRESENTED BY POWER OF ATTORNEY HOLDER HER BROTHER JOHNSON, ANNADICKAL HOUSE, KOTHANALLOOR PO, KADUTHURUTHY VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT - 686 604. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 623 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2015 IN LAR NO.9 OF 2014 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3 IN LAR: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (LA) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS 1 TO 5 IN LAR: 1 VINOD V.K., VATTANIRAPPEL, KADUTHURUTHY P.O., VELLASSERRY KARA, VAIKOM TALUK - 686 604. 2 PONNAMMA KRISHNAN (DIED) LRs.RECORDED* VATTANIRAPPEL, KADUTHURUTHY P.O., VELLASSERRY KARA, VAIKOM TALUK - 686 604. 3 SANIL BABU, VATTANIRAPPEL, KADUTHURUTHY P.O., VELLASSERRY KARA, VAIKOM TALUK - 686 604.

4 SUNIL KUMAR, VATTANIRAPPEL, KADUTHURUTHY P.O., VELLASSERRY KARA, VAIKOM TALUK - 686 604. 5 ANILRAJ, VATTANIRAPPEL, KADUTHURUTHY P.O., VELLASSERRY KARA, VAIKOM TALUK - 686 604. *IT IS RECORDED THAT RESPONDENTS 1, 3, 4 AND 5 ARE THE LEGAL REPRESENTATIVES OF THE DECEASED 2ND RESPONDENT AS PER THE ORDER DATED 22.02.2024 IN IA 1/2024 IN LAA 623/2015. R1 TO R5 BY SRI.DOMSON J.VATTAKKUZHY R1 TO R5 SRI.MATHEW JOHN K

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 655 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2015 IN LAR NO.73 OF 2013 OF THE SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA, REP.BY THE DISTRICT COLLECTOR KOTTAYAM. 2 THE SPECIAL TAHSILDAR (LA) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: J.JOSE S/O.JOSEPH, KURICHIYAPARAMBIL, VELLASSERRYKARA, KADUTHURUTHY P.O., PIN-686604. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 661 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2015 IN LAR NO.31 OF 2014 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3 IN LAR: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A.), GENERAL KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT IN LAR: KUNJACHAN K.K., S/O.KURIAN, KURICHIYAPARAMBIL, KADUTHURUTHY P.O., REPRESENTED BY POWER OF ATTORNEY HOLDER, HIS WIFE MAYA KUNJACHAN, RESIDING AT KURICHIYAPARAMBIL HOUSE, VELLASSERRY KARA, KADUTHURUTHY VILLAGE, VAIKOM TALUK, KOTTAYAM-686 604. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, L.A.APP. NO. 662 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2015 IN LAR NO.71 OF 2013 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3 IN LAR: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (LA) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER PWD ROAD DIVISION,

KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENT/CLAIMANT IN LAR: FR.VARKEY S/O. OUSEPH,
MAMPALLY, KADUTHURUTHY P.O., PIN-686 604. BY ADVS.
SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND
ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON
04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED
CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR &
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY,
THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP.
NO. 667 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED
30.01.2015 IN LAR NO.11 OF 2014 OF THE PRINCIPAL SUB COURT,
KOTTAYAM APPELLANTS/RESPONDENTS 1 & 2: 1 STATE OF
KERALA REPRESENTED BY THE DISTRICT COLLECTOR,
KOTTAYAM-686 001. 2 THE SPECIAL TAHSILDAR (LA) GENERAL,
KOTTAYAM-686 001. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT
PLEADER RESPONDENT/CLAIMANT: KUNJACHAN.K.K., S/O
KURIAN, KURICHIYAPARAMBIL, KADUTHURUTHY PO,
REPRESENTED BY POWER OF ATTORNEY HOLDER HIS WIFE
MAYA KUNJACHAN, RESIDING AT KURICHIYAPARAMBIL
HOUSE,VELLASSERRY KARA, KADUTHURUTHY VILLAGE, VAIKOM
TALUK, KOTTAYAM-686 604. BY ADVS. SRI.DOMSON
J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION
APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023,
ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE
COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR &
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY,

THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 686 OF 2015 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2015 IN LAR NO.67 OF 2013 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENT/CLAIMANT: 1 MATHEW ELAKKATTU HOUSE, VELLASSERY KARA, KADUTHURUTHY VILLAGE, VAIKOM TALUK, KOTTAYAM - 686 604. 2 LILLYKUTTY, W/O.MATHEW, ELAKKATTU HOUSE, VELLASSERY KARA, KADUTHURUTHY VILLAGE VAIKOM TALUK, KOTTAYAM - 686 604. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 2 OF 2016 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2015 IN LAR NO.83 OF 2013 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS IN LAR: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD, DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENT/CLAIMANT IN LAR: DEVAMANIYAMMA, D/O BHANUMATHIYAMMA, MYALIPUTHENPURA HOUSE, VELLASSERRY KARA, KADUTHURUTHY P.O. KOTTAYAM - 686 604. BY ADV

SRI.MATHEW JOHN (K) THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 179 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.11.2015 IN LAR NO.76 OF 2013 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A.) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: JOSEPH S/O.KURIAN, KURICHIRAPARAMBIL (H), VELLASSERY KARA, KADATHURUTHY P.O., VAIKOM TALUK, KOTTAYAM DISTRICT-686604. BY ADVS. SRI.P.T.ABHILASH SRI.BABU JOSEPH KURUVATHAZHA THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 191 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 23.12.2015 IN LAR NO.68 OF 2013 OF THE SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE

SPECIAL TAHSILDAR (L.A) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: GEORGE, S/O. JOSEPH, KURICHIYAPARAMBIL, KADUTHURUTHY P.O, PIN - 686 604. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 193 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.11.2015 IN LAR NO.16 OF 2014 OF THE SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A.) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: MATHEW VARGHESE PUNCHATHALACKAL, THE POWER OF ATTORNEY HOLDER (SON)OF ROSAMMA VARGHESE, PUNCHATHALACKAL, KADUTHURUTHY P.O,VAIKOM TALUK, KOTTAYAM DISTRICT - 686 604. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 197 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 31.10.2015 IN LAR NO.10 OF 2014 OF THE ADDITIONAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENT NOS.1 TO 3: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A.) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: PROF.JOHN KURIAN S/O. KURIAN, CRRA G-3,CHALAKUZHAY ROAD,PATTAM P.O, THIRUVANANTHAPURAM, PIN 695 004, FROM KURICHIPARAMBIL, KADUTHURUTHY P.O. BY ADV SRI.J.HARIKUMAR THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 214 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 23.12.2015 IN LAR NO.74 OF 2013 OF THE SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (LA) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: FR.VICAR KADUTHURUTHY THAZHATHUPALLY, KADUTHURUTHY P.O. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION

APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 229 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.11.2015 IN LAR NO.66 OF 2013 OF THE ADDITIONAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS: 1 P.P.JOSEPH, PANACHICKAL HOUSE, (VALLOPPALLIL HOUSE), VELLASSERRY, KADUTHURUTHY P.O, VAIKOM TALUK, KOTTAYAM DISTRICT, REPRESENTED BY THE POWER OF ATTORNEY HOLDER ELIZABETH (WIFE), VALLOPPALLIL (PANACHICKAL) HOUSE, VELLASSERRY, KADUTHURUTHY P.O. - 686 604. 2 ELIZABETH W/O. P.P.JOSEPH, PANACHICKAL HOUSE, (VALLOPPALLIL HOUSE), VELLASSERRY, KADUTHURUTHY P.O, VAIKOM TALUK, KOTTAYAM DISTRICT - 686 604. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY,

THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 273 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 04.06.2016 IN LAR NO.13 OF 2015 OF THE SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS: 1 BABY JOSEPH, S/O.JOSEPH, PUTHENPURACKAL, KADUTHURUTHY P.O.-686604. 2 MARRYKUTTY JOSEPH W/O.LATE JOSEPH, PUTHENPURACKAL, KADUTHURUTHY P.O.-686604. 3 LISSY JOSE, D/O.LATE JOSEPH, W/O.JOHN, PUTHENPURACKAL, KADUTHURUTHY P.O., NOW RESIDING AT PARAYAMPADICKAL HOUSE, VAIKAPRAYAR P.O. - 686142. 4 SUNI JOSE, D/O.LATE JOSEPH, W/O.SAJU,PUTHENPURACKAL HOUSE, KADUTHURUTHY P.O., NOW RESIDING AT RATHAPALLI HOUSE, THAZHAVAMKUNNU P.O.- 686668. 5 SUJA JOSE D/O.LATE JOSEPH, W/O.JOLI, PUTHENPURACKAL HOUSE, KADUTHURUTHY P.O., NOW RESIDING AT MADAPALLI HOUSE, MANJOOR P.O.-686603. BY ADVS. SRI.DOMSON J.VATTAKKUZHY SRI.MATHEW JOHN K THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 293 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 23.12.2015 IN LAR NO.82 OF 2013 OF THE SUB COURT, KOTTAYAM

APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENT/CLAIMANT: BABY JOSEPH S/O. JOSEPH, PUTHENPURACKAL, PUTHENPURA HOUSE, KADUTHURUTHY P.O, KOTTAYAM - 686 604. BY ADV SRI.MATHEW JOHN (K) THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 390 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 19.12.2016 IN LAR NO.4 OF 2015 OF THE ADDITIONAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS IN LAR: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A.) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENTS/CLAIMANTS IN LAR: 1 ALEYAMMA @ LEELAMMA D/O. LATE ALEXANDER, W/O. RAMPAL SAINI, MANIMALA VEEDU, VELLASSERRY KARA, KADUTHURUTHY P.O., KADUTHURUTHY VILLAGE, VAIKOM TALUK, KOTTAYAM - 686 604. 2* PENNAMMA G., OLLAPALLI, MANIMALA (H), KADUTHURUTHY P.O., PIN - 686 604.

3* JAMES M. ALEXANDER, MANIMALA (H), KADUTHURUTHY P.O. - 686 604. 4* ANNAMMA SIMON PAIMPALIL, MANIMALA (H), KADUTHURUTHY P.O. - 686 604. 5* MARTHA ALOYSIUS CHIRAYIL, MANIMALA (H), KADUTHURUTHY P.O. - 686 604. 6* MARGRET TOM,

MANIMALA (H), KADUTHURUTHY P.O. - 686 604. 7* ALEXANDER MANIMALA ALEXANDER, MANIMALA (H), KADUTHURUTHY P.O. - 686 604. 8* SARAMMA V.JOHN, MANIMALA (H), KADUTHURUTHY P.O. - 686 604. 9* LALLY ALEXANDER, MANIMALA (H), KADUTHURUTHY P.O. - 686 604. 10* ALEXANDER KURUVILA, MANIMALA (H), KADUTHURUTHY P.O. - 686 604. *IT IS RECORDED THAT RESPONDENTS 2 TO 10 ARE REPRESENTED BY THE POWER OF ATTORNEY HOLDER, THE 1ST RESPONDENT, WHO IS ALREADY IN THE PARTY ARRAY, VIDE THE ORDER DATED 04.10.2023 IN MEMO DATED 20.10.2021. BY ADV SRI.MATHEW JOHN (K)

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 417 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 04.06.2016 IN LAR NO.5 OF 2015 OF THE PRINCIPAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3 IN LAR: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR (L.A) GENERAL, KOTTAYAM. 3 THE ASSISTANT ENGINEER, PWD ROAD SECTION, KADUTHURUTHY. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS: 1 SMT.ALEYAMMA [LEELAMMA] D/O. LATE ALEXANDER & ALEKKUTTY, W/O. RAMPAL SAINY, MANIMALA HOUSE, KADUTHURUTHY P.O-686 604. 2 PENNAMMA G. OLLAPALLI, MANIMALA HOUSE, KADUTHURUTHY P.O-686 604. 3 JAMES M. ALEXANDER, MANIMALA HOUSE,

KADUTHURUTHY P.O-686 604.

4 ANNAMMA SIMON PAIMPALIL MANIMALA HOUSE,
KADUTHURUTHY P.O-686 604. 5 MARTHA ALOYSIUS CHIRAYIL,
MANIMALA HOUSE, KADUTHURUTHY P.O-686 604. 6 MARGRET
TOM, MANIMALA HOUSE, KADUTHURUTHY P.O-686 604. 7
ALEXANDER MANIMALA ALEXANDER, MANIMALA HOUSE,
KADUTHURUTHY P.O-686 604. 8 SARAMMA V. JOHN, MANIMALA
HOUSE, KADUTHURUTHY P.O-686 604. 9 LALLY ALEXANDER,
MANIMALA HOUSE, KADUTHURUTHY P.O-686 604. 10 ALEXANDER
KURUVILLA, MANIMALA HOUSE, KADUTHURUTHY P.O-686 604. BY
ADV SRI.MATHEW JOHN (K)

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL
HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND
CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR &
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY,
THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP.
NO. 243 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED
30.11.2015 IN LAR NO.72 OF 2013 OF THE ADDITIONAL SUB
COURT, KOTTAYAM APPELLANTS/RESPONDENTS: 1 THE STATE
OF KERALA REPRESENTED BY DISTRICT COLLECTOR,
KOTTAYAM. 2 THE SPECIAL TAHSILDAR, LA(NH), KOTTAYAM, 3
THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM BY
SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENT/CLAIMANT: ABRAHAM S/O.VARGHESE, MOOLAYIL
HOUSE, KADUTHURUTHY.P.O., VAIKOM TALUK, KOTTAYAM
DISTRICT-686 604. THIS LAND ACQUISITION APPEAL HAVING
COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH

L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 253 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 30.11.2015 IN LAR NO.18 OF 2014 OF THE SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR, LA(NH),KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: LEELMMA THOMAS, W/O LATE THOMAS, MAMPALLIL THADATHIL HOUSE, KADUTHURUTHY.P.O., VAIKOM TALUK, KOTTAYAM DISTRICT - 686 604. BY ADVS. SRI.MATHEW JOHN (K) SRI.MATHEW DEVASSI THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 269 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 30.11.2015 IN LAR NO.70 OF 2013 OF THE ADDITIONAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR, LA(NH),KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY

SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENT/CLAIMANT: C.K.PHILIP, S/O KURUVILA,
CHANDURUTHIL HOUSE,MADHURAVELIKARA,MUTTUCHIRA
VILLAGE, VAIKOM TALUK, REP.BY POWER OF ATTORNEY HOLDER
V.C.THOMAS, S/O. CHACKO, VATTANIRAPPEL HOUSE,
KADATHURUTHY P.O, VAIKOM TALUK, KOTTAYAM DISTRICT - 686
604. BY ADVS. SRI.MATHEW JOHN (K) SRI.MATHEW DEVASSY
SRI.ABY J AUGUSTINE THIS LAND ACQUISITION APPEAL HAVING
COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH
L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON
11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR &
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY,
THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP.
NO. 271 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED
30.11.2015 IN LAR NO.8 OF 2014 OF THE SUB COURT, KOTTAYAM
APPELLANTS/RESPONDENTS: 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR, KOTTAYAM. 2 THE
SPECIAL TAHSILDAR, LA (NH), KOTTAYAM. 3 THE EXECUTIVE
ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY
SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER
RESPONDENTS/CLAIMANTS: PAULOSE P.M. OOLAVALLICKAL
HOUSE, KADUTHURUTHY P.O, VAIKOM TALUK, KOTTAYAM DIST -
686604. BY ADVS. SRI.MATHEW JOHN (K) SRI.MATHEW DEVASSI
SRI.ABY J AUGUSTINE THIS LAND ACQUISITION APPEAL HAVING
COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH
L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON
11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 276 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 30.11.2015 IN LAR NO.84 OF 2013 OF THE ADDITIONAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA, REPRESENTED BY DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR, LA, GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS: 1 GEORGE, PARAKKALAYIL VELLUSSERY, KADUTHURUTHY P.O., VAIKOM TALUK, KOTTAYAM DISTRICT. 2 ROSAMMA, W/O.GEORGE, PARAKKALAYIL VELLUSSERY, KADUTHURUTHY.P.O., VAIKOM TALUK, KOTTAYAM DISTRICT. R1 & R2 BY ADVS. SRI.MATHEW JOHN (K) SRI.MATHEW DEVASSI SRI.ABY J AUGUSTINE THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 277 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 23.12.2015 IN LAR NO.12 OF 2014 OF THE ADDITIONAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS 1 TO 3: 1 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR,KOTTAYAM 2 THE SPECIAL TAHSILDAR,

(LA) GENERAL, KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT:

ROASAMMA THOMAS W/O THOMAS, MUTTALAMTHIYIL HOUSE, LAKKATTOR PO, KOOROPPADA VILLAGE, KOTTAYAM DISTRICT. BY ADV SRI.MATHEW JOHN (K) THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 11TH DAY OF OCTOBER 2023 / 19TH ASWINA, 1945 L.A.APP. NO. 279 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 23.12.2015 IN LAR NO.2 OF 2014 OF THE ADDITIONAL SUB COURT, KOTTAYAM APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KOTTAYAM. 2 THE SPECIAL TAHSILDAR, LA(NH), KOTTAYAM. 3 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, KOTTAYAM. BY SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: AUGUSTINE JOSEPH, S/O JOSEPH, ENJAKKATTU HOUSE, KADUTHURUTHY P.O, KADUTHURUTHY, KOTTAYAM DISTRICT - 686604. BY ADVS. SRI.MATHEW DEVASSI SRI.MATHEW JOHN (K) SRI.ABY J AUGUSTINE THIS LAND ACQUISITION APPEAL HAVING COME UP FOR FINAL HEARING ON 04.10.2023, ALONG WITH L.A.App.521/2015 AND CONNECTED CASES, THE COURT ON 11.10.2023 DELIVERED THE FOLLOWING: P.B. SURESH KUMAR & P.G. AJITHKUMAR, JJ. ----- L.A.A.Nos.521, 557, 586, 595, 601, 603, 609, 623, 655, 661, 662, 667 & 686 of 2015; 2 of 2016; 179, 191, 193, 197, 214, 229, 273, 293, 390 & 417 of 2017 and 243, 253, 269, 271, 276, 277 & 279 of 2018 ----- Dated this the 11th day of October, 2023

COMMON JUDGMENT

P.G.Ajithkumar, J.

The State of Kerala in these appeals filed under Section 54 of the Land Acquisition Act, 1894 (for short the Act) challenges the common judgments in a few batches of Land Acquisition References on the files of the Sub Court, Kottayam. The properties of the claimants in these cases and also a few others were acquired for the construction of Kaduthuruthy Bypass. Notifications under Section 4(1) of the Act in relation to these acquisitions were published on 23.04.2010, 02.11.2010 and 01.01.2011. The Land Acquisition Officer classified the acquired lands as A, B, C, D and E Categories and passed awards. The claimants protested and in the references made under Section 18(1) of the Act, the Reference Court enhanced and refixed the land value. In a few cases, categories were upgraded. Those decisions of the Reference Court are assailed in these appeals.

2. The data required to decide these appeals are given below: Conversion Date of Extent Award of

Sl					Conversion Date of	Award of
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1	557/2015	7/2014	01.01.2011	1.98	B	Rs.7
5	603/2015	13/2014	01.01.2011	6.75	B	Rs.77,308/-
6	609/2015	15/2014	01.01.2011	2.48	D	Rs.50,963/-
7	521/2015	23/2014	01.01.2011	19.80	B A	Rs.77,308/-
8	229/2017	66/2013	02.11.2010	1.47	A	Rs. 87,971/-
9	193/2017	16/2014	02.11.2010	9	D B	Rs. 50,963/-
10	271/2018	8/2014	02.11.2010	4.68	C B	Rs. 56,626/-
11	243/2018	72/2013	02.11.2010	0.58	A	Rs.87,971/-
12	269/2018	70/2013	02.11.2010	1.58	B	Rs.77,308/-
13	276/2018	84/2013	02.11.2010	11.37	B	Rs.77,308/-
14	253/2018	18/2014	02.11.2010	2.03	A	Rs.87,971/-
15	179/2017	76/2013	02.11.2010	4.61	B	Rs.77,308/-
16	686/2015	67/2013	23.04.2010	0.04	C B	Rs. 56,626/-
17	623/2015	9/2014	23.04.2010	1.94	A	Rs. 87,971/-

7,41,000/- 18 2/2016 83/2013 23.04.2010 0.04 C B Rs. 56,626/- Rs. 6,17,500/- 19
655/2015 73/2013 02.11.2010 9.31 D Rs. 50,963/- Rs. 4,94,000/- 20 661/2015
31/2014 23.04.2010 16.88 C A Rs. 56,626/- Rs. 7,41,000/- 21 662/2015 71/2013
23.04.2010 0.82 A Rs. 87,971/- Rs. 7,41,000/- 22 667/2015 11/2014 23.04.2010
0.04 C A Rs.56,626/- Rs. 7,41,000/- 23 191/2017 68/2013 02.11.2010 3.24 C B
Rs. 50,963/- Rs. 6,79,250/- 24 293/2017 82/2013 02.11.2010 0.83 B Rs. 77,308/-
Rs. 6,79,250/- 25 277/2018 12/2014 02.11.2010 0.36 A Rs. 87,971/- Rs.
7,41,000/- 26 214/2017 74/2013 02.11.2010 1.02 B A Rs. 77,308/- Rs. 7,41,000/-
27 279/2018 2/2014 02.11.2010 0.20 B Rs. 77,308/- Rs. 6,79,250/- 28 273/2017
13/2015 02.11.2010 8.54 A Rs.87,971/- Rs.7,41,000/- 29 390/2017 4/2015
01.01.2011 21.83 B Rs.77,308/- Rs.6,17,500/- 30 197/2017 10/2014 02.11.2010
3.83 A Rs. 87,971/- Rs.7,41,000/- 31 417/2017 5/2015 02.11.2010 2.47 B
Rs.77,308/- Rs.6,79,250/-

3. From the data furnished above, it can be seen that

the court below enhanced and refixed land value category- wise in common. Each batch of cases was disposed of as per separate common judgments. In a few cases, categories were changed. The appellant challenges both the enhancement in the land value as well as the category change.

4. Heard the learned Special Government Pleader and the learned counsel appearing for the respondents in the respective appeals.

5. The appellant although assailed the orders of the

reference court allowing category change in some of the cases, namely, L.A.Appeals No. 595 of 2015, 521 of 2015, 193 of 2017, 271 of 2018, 686 of 2015, 2 of 2016, 661 of 2015, 667 of 2015, 191 of 2017 and 214 of 2017, no sustainable reason has been pointed out. The court below considered the materials on record before ordering such a category change. Having gone through the records, we find no reason to interfere with the said findings. Therefore, the contention of the appellant that requires consideration is concerning enhancement in the market value alone.

6. The independent evidence tendered in all these

L.A.Rs. is common. Some of the claimants got themselves examined and also examined advocate commissioners. Since the same documents have been produced in all the L.A.Rs., the documents as exhibited in L.A.R.No.15 of 2014, on which has arisen L.A.A.No.609 of 2015, are referred to hereunder, for convenience.

7. The following are the rationale for the Land

Acquisition Officer categorizing various parcels of the acquired lands:- Category Nature of land Road access A Dry land Adjacent to PWD road B Dry land Adjacent to Panchayat road C Reclaimed land Adjacent to Panchayat road D Reclaimed land No road access E Wetland

8. In these appeals, lands included in categories A, B,

C and D alone are involved. Therefore, the questions concerning the correctness of refixing the market value of those categories alone require consideration. It can be seen from the notes to awards (Ext.R6 - Notes to respective awards were produced in the L.A.Rs. concerned) that the Land Acquisition Officer identified sale deed No.583 of 2010 of SRO Kaduthuruthy (Ext.R15) as the exemplar for fixing market value for lands in Categories A and B. Similarly, the Land Acquisition Officer accepted sale deed No.1279 of 2008 SRO Kaduthuruthy (Ext.R19) as the exemplar to fix land value of C and D categories.

9. Ext.R15 was relating to sale of 4.96 Ares of land

comprised in Sy.No.888/I-I of Kaduthuruthy Village and 3.03 Ares of land comprised in Sy.No.887/12AI of Muttuchira Village. The total land value was Rs.4,26,000/-. Hence the land value per Are was Rs.53,316/-. The Land Acquisition Officer found that the said land resembles and is similarly situated to the acquired lands. At the same time, it was observed that it is not as commercially important as that of the acquired lands. Accordingly, the value of the A-Category property was fixed by giving 65% escalation, as Rs.87,971/- per Are. B Category lands do not have PWD road access, but only Panchayat road access. So, by

giving 45% escalation from Ext.R15 property, value of B-category was fixed at Rs. 77,308/-.

10. Insofar as the lands included in C and D categories

were concerned, the Land Acquisition Officer accepted Ext.R19 as the basis document. 4.15 Ares of land comprised in Sy. No.1000/7A1 and 1000/8B in Kaduthuruthy Village along with a building was the subject matter of Ext.R19. The total sale price was Rs.3,10,000/- of which Rs.75,000/- was the value of the building. Excluding the value of the building, the land value was Rs.56,626/- per Are. The Land Acquisition Officer found that the said land is similar and similarly situated to category C of the acquired lands. Both are reclaimed lands. Accordingly, the market value of C-Category land was fixed as Rs.56,626/-. D-Category lands have no road access and are of lesser commercial importance. Accordingly, by reducing 10%, the value of the D-Category land was fixed at Rs.50,963/-.

11. The claimants assailed the valuation by the Land

Acquisition Officer on various grounds. The court below considered the oral evidence and the reports of the Commissioners and found that the exemplar lands were not comparable with the acquired lands. From the notes of the award, it is seen that the acquired lands are situated adjoining Kaduthuruthy Town. The reports of the Commissioners confirm that fact. Considering the proximity of the acquired lands to Kaduthuruthy town, the commercial importance of those lands cannot be overlooked. The potentiality of the lands covered by Exts.R15 and R19 is not so. Those properties are situated far away from Kaduthuruthy Town and have no proximity to the highway roads. The evidence let in by the claimants and also the reports of the Commissioners justify the view taken by the References Court rejecting fixation of the land value by the Land Acquisition Officer.

12. The claimants produced Exts.A1 to A3, A4 and A6

in support of their claim for enhanced compensation. Exts. A1 to A3 are sale deeds No. 1433 of 2008, 578 of 2009 and 146 of 2011; all are of SRO

Kaduthuruthy. Ext.A4 is an award relating to the acquisition of property for the widening of the railway line. The court below did not accept Exts. A1 to A4 for various reasons. Exts.A6 is a Government order approving the land value fixed by the District Land Purchase Committee through negotiated purchase of various parcels of land for the same purpose. Ext. R10 is the minutes of the District Level Purchase Committee corresponding to Ext. A6. Along with the value of land fixed as per Exts.A6 and R10, the court below considered circumstances like the proximity of the acquired land to Kaduthuruthy town, the pace of development in the area and availability of various public offices in close quarters for refixing the value of the properties in these cases.

13. As per Ext.A6 value for dry land having PWD road

access was fixed as 11,12,652/- per Are. Of course, the said value is inclusive of solatium and additional compensation. The court below after considering such aspects refixed the land value by making deductions. Presumably, resorting to some sort of guesswork, the court below fixed the value of land in category A as Rs.3 lakhs per cent (Rs.7,41,000/- per Are). By making a proportionate deduction, again without mentioning the yardstick adopted, fixed the value of lands in other categories also. The values so fixed are as follows:-

Category	Value per cent	Value per Are
A	Rs.3,00,000/-	Rs.7,41,000/-
B	Rs.2,75,000/-	Rs.6,79,250/-
C	Rs.2,50,000/-	Rs.6,17,500/-
D	Rs.2,00,000/-	Rs.4,94,000/-

14. The learned Special Government Pleader submitted

that the mode of fixation of market value by the court below is absolutely incorrect inasmuch as Ext.A6 and Ext.R10 did not relate to the same notification and the said value was fixed by the District Level Purchase Committee in 2014. Even though that negotiated purchase of land was for the same purpose, the value reflected in Exts A6 and R10 is what was prevalent in the year 2014 and hence, it is submitted, the same cannot be the basis. No record to show whether or not Ext.A6 negotiated purchase was pursuant to the same notification under Section 4(1) of the Act was available with the records in the appeals. Hence we directed the appellant to produce the notification concerning Ext.A6. A copy of the notification was produced along with I.A.No.1 of 2023 in L.A.A.No.609 of 2015.

The said notification was issued on 31.10.2013. Although those lands were acquired on negotiated purchase for the same purpose it was pursuant to a different notification issued after three years. While the learned Special Government Pleader submitted that the valuation in Ext.A6 cannot be acted upon at all, the learned counsel appearing for the claimants submitted that there is nothing wrong in accepting Ext.A6. The learned counsel would submit that such a subsequent notification was to be issued only because small bits of land were omitted in the earlier notifications. It is submitted that both acquisitions were for the same purpose, and denial of the value fixed as per Ext.A6 to the claimants herein would be unjust and discriminatory. Reliance is placed in this regard on *Rajalakshmi v. Special Tahsildar (LA) Koyilandy* [AIR 2023 SC 1971]. It was held there that the value fixed in a negotiated purchase is a relevant consideration for the determination of the compensation for other lands involved in the same acquisition.

15. In *Rajalakshmi* the Apex Court only held that

negotiated price agreed by other landowners can be a relevant consideration for determination of compensation by the Land Acquisition officer. But, when there is a long time gap, in our view, the consideration must be different. In *Maya Devi (D) Thr.LRs. and others v. State of Haryana and another* [AIR 2018 SC 645] the Apex Court held that the relevant date for determining the compensation in the context of Section 23(1) of the Land Acquisition Act is the date of publication of the notification under Section 4(1) of the Act. The rationale for taking such a view as explained by the Apex Court in *Kolkata Metropolitan Development Authority v. Gobinda Chandra Makal & another* [AIR 2018 SC 645] is the following,-

"34. One of the principles in regard to determination of the market value under Section 23(1) is that the rise in market value after the publication of the notification under Section 4(1) of the Act should not be taken into account for the purpose of determination of market value. If the deeming definition of publication of the notification in the amended Section 4(1) is imported as the meaning of the said words in the first clause of Section 23(1), it will lead to anomalous results. The owners of the lands which

are the subject-matter of the notification and neighbouring lands will come to know about the proposed acquisition, on the date of publication in the Gazette or in the newspapers. Suppose the giving of public notice of the substance of the notification is delayed by two or three months. In that case, there may be several sale transactions in regard to nearby lands in that period, showing a spurt or hike in value in view of the development contemplated on account of the acquisition itself."

16. In *New Okhla Industrial Development Authority v.*

Omvir Singh [AIR OnLine 2022 SC 1166] the question as to whether post notification sales could be the basis for fixing compensation was considered. It was held that the compensation determined on the basis of the notification five years later cannot be a yardstick for determining the compensation for the land, which was acquired five years before. Viewed so, the value fixed by the District Level Purchase Committee in the year 2014 as per Ext. A6 for the land acquired pursuant to notification dated 31.10.2013 cannot be the criteria for determining the market value of the land acquired pursuant to notifications in 2010 and 2011. We are therefore of the view that the court below went wrong in fixing the land value acting upon Ext.A6. Moreover, when the court below rejected Ext.A4 for the reason that the said acquisition was in the year 2014, which in our view is correct, acceptance of Ext. A6 becomes self-contradictory and incorrect.

17. Now, the question is what shall be the market value

of different categories of properties acquired in these cases. As stated above, the court below rightly rejected documents No.583 of 2010 and 1279 of 2008, which were acted upon as exemplar sales by the Land Acquisition Officer.

18. Ext.A1 is regarding the sale of 8.91 Ares of property

along with a building for a total consideration of Rs.19 lakhs. This is a document considered by the Land Acquisition Officer, but rejected. Ext.A1 property is situated far away from Kaduthuruthy Town. It is noticed that the said property cannot be compared in terms of the locational importance and situational

advantage of the acquired properties. Similarly, Ext.A2 property is situated 3 kms away from Kaduthuruthy Town. From the description in Ext.A2, it is seen that it does not have access to a road. From the reports of the Commissioners and also the oral evidence tendered by the claimants that fact is evident. Further, these properties are reclaimed lands. Therefore, Exts.A1 and A2 cannot be the basis for fixing the value of the acquired lands.

19. Ext.A3 is a sale deed conveying 12.25 cents of

property for a sale consideration of Rs.29,70,000/-. This property is situated behind the Kaduthuruthy Government School, which is near within the town area. This property has a disadvantage that it lies 100-150 meters above from the PWD road. While the claimants rely on this sale deed to contend that the value in it reflects the land value in the locality and is comparable to the acquired lands, they would place a caveat that the acquired properties are more valuable due to situational advantage. The court below did not accept Ext.A3 as a basis document by holding that the potentiality of these two properties differ much.

20. The property covered in Ext.A3 is situated within

Kaduthuruthy Town area. It is behind the Government High School, Kaduthuruthy, in front of which is the PWD road. The Commissioner as per Ext.C1 reported that this property abuts the public road, which branches from the PWD road. It is thus evident that Ext.A3 property abuts a panchayat road, but one property away from the PWD road. Ext.A3 property therefore has close proximity to the public road and Kaduthuruthy Town. The sale as per Ext.A3 was on 21.01.2011. The notifications under Section 4(1) of the Act for the subject acquisitions were on 23.04.2010, 02.11.2010 and 01.01.2011. Therefore, there is a time gap of more than seven months between the first notification and the date of sale as per Ext.A3. It is true that Ext.A3 is thus a post-notification sale. But the gap between the last notification and the date of Ext.A3 is only 20 days. It is a matter of common knowledge that a sale of an immovable property takes place after deliberations and, in most of the cases pursuant to an agreement entered into between the parties before hand. In that view of the matter, the value of land agreed for sale between the parties to Ext.A3 should have been after taking into

account the state of affairs prevalent before the notifications under Section 4(1) of the Act in these cases. Viewed so, Ext.A3 need not be discarded as a post-notification sale.

21. One disadvantage to Ext.A3 property is that it lies

at a height of 100-150 meters from the PWD road, a fact reported by the Commissioners. It is seen that many properties visited by the Commissioners are higher in level. The terrain of the area is sloppy and properties are at different levels. So the height of 100-150 meters to Ext. A3 property from the PWD road is not a serious disadvantage. Considering that and the comparable proximity of both Ext.A3 property and the acquired lands to Kaduthuruthy town and public road, we find that both properties are of similar potentiality. As stated above, Ext.A3 property does not abut PWD road, but abuts a panchayat road. But, in between this property and the PWD road there is only one plot where the Government High School, Kaduthurthy is situated. Taking all such matters into account, we are of the view that Ext.A3 property is comparable more to the B-Category property. Hence, we find that Ext. A3 sale can be accepted to fix the market value of category B properties.

22. As stated, 12.25 cents of land was sold as per

Ext.A3 for consideration of Rs.29,70,000/-, which means the value of the land was Rs.2,42,448.9 per cent (Rs.5,99,091.4, rounded to Rs.5,99,100/- per Are). The value of the acquired lands in Category-A, which has PWD road access, would naturally be more. In order to mitigate that aspect, we are of the view that 10% increase from the value of B-Category property will be the real market value of Category-A property.

23. C-Category properties are reclaimed lands but have

access to Panchayat road. D-Category properties are also reclaimed lands. These lands have a more notable disadvantage that there is no road access. Therefore, value of D-Category properties would be much lesser than C-Category properties, which have road access. Having regard to all such aspects, we are of the view that

the value of lands in C and D categories are liable to be fixed by scaling down by 10% and 25% respectively from the value of B category lands. Accordingly, the market value of the acquired lands in Categories A, B, C and D are refixed as follows,- Category Value per Are A Rs.6,59,010/- B Rs.5,99,100/- C Rs.5,39,190/- D Rs.4,49,325/- These appeals are allowed to the above extent. The claimants are entitled to compensation computing the land value at the said rates along with all statutory benefits. All pending applications are closed. Sd/- P.B. SURESH KUMAR, JUDGE Sd/- P.G. AJITHKUMAR, JUDGE dkr

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