

State of Kerala vs Joy Thomas

State of Kerala vs Joy Thomas

SooperKanoon Citation : sooperkanoon.com/1352136

Court : Kerala

Decided On : Nov-29-2023

Judge : Honourable Mr. Justice P.B.Suresh Kumar, Honourable Mr. Justice Johnson John

Appeal No. : LA.App./260/2017

Appellant : State of Kerala

Respondent : Joy Thomas

Judgement :

& LA.APP. NO. 147 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA RESPONDENTS/CLAIMANTS & 2ND REPSONDENT IN LAR: 1 CHELLAPPAN, THAIKADAVIL, MEENTHALAKKARA MURI, KUTTAPPUZHA VILLAGE, PIN-689103 2 SUMATHY, THAIKADAVIL, MEENTHALAKKARA MURI, KUTTAPPUZHA VILLAGE, PIN-689103 3 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS)-PIN-682016 BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 & R2 SRI.P.K.RAMKUMAR, SC,

RAILWAYS FOR R3

HEARD ON 29.11.2023, ALONG WITH LA.App..32/2018, 162/2017 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

-: 2 :- & LA.APP. NO. 162 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.06.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANT & 2ND REPSONDENT IN LAR: 1 ABRAHAM THOMAS MATHILUNKAL VEEDU, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE. PIN 689103 2 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS).PIN 682011 BY ADV. VINU T. V. FOR R2 -: 3 :- & LA.APP. NO. 168 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.06.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANTS & 2ND REPSONDENT IN LAR: 1 ABRAHAM THOMAS MATHILUNKAL VEEDU, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE-689101. 2 MARIAMMA MATHILUNKAL VEEDU, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE-689101. 3 MATHEW MATHILUNKAL VEEDU, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE-689101. 4 ANNAMMA MATHEW MATHILUNKAL VEEDU, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE-689101. -: 4 :- 5 DAISY MATHILUNKAL VEEDU, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE-689101. 6 SOUTHERN RAILWAY, ERNAKULAM REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS)-682011. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 TO R5 SRI.P.K.RAMKUMAR, SC, RAILWAYS FOR R6 -: 5 :- & LA.APP. NO. 172 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.06.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA

REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR: 1 SHAJI VARGHESE MATHILUKAL VEEDU, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE, PIN-689 101. 2 SOUTHERN RAILWAY, ERNAKULAM REPRESENTED BY DEPUTY CHIEF ENGINEER(CONSTRUCTIONS). PIN-682 011. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.P.K.RAMKUMAR, SC, RAILWAYS FOR R2 :- 6 :- & LA.APP. NO. 175 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.06.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR,PATHANAMTHITTA RESPONDENTS/CLAIMANTS & 2ND REPSONDENT IN LAR:

1 P.S.JOSE, JOSE VILLA, KAVUMBHAGOM MURI, KAVUMBHAGOM VILLAGE, THIRUVALLA -689 102 (POWER OF ATTORNEY HOLDER OF ISSAC CHERIAN AND BEENA JOSE)

2 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER(CONSTRUCTION) ADDL.R3 SRI.ISAC CHERIYAN, NADUVILE MALAYIL VEEDU,M VAYALATHALA P.O., KEEKOZHUR, RANNI (PH: NO.9995450637) ADDL.R4 SMT.BEENA JOSE, JOSE VILLA, KAVUMBHAGAM P.O., THIRUVALLA (PH: NO.9446971085) BY ADVS. SRI.P.K.RAMKUMAR, SC, RAILWAYS FOR R2 SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R3 & R4 :- 7 :- 8 :- & LA.APP. NO. 182 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANTS & 2ND REPSONDENT IN LAR: 1 P.K.RAMANAN PULICKATHARAMALAYIL, MEENTHALAKKARA MURI, KUTTAPPUZHA, PIN. 689103. 2 RENJITH P.R. PULICKATHARAMALAYIL,MEENTHALAKKARA MURI, KUTTAPPUZHA. PIN. 689103. 3 RANJEESH P.R.

PULICKATHARAMALAYIL, MEENTHALAKKARA MURI, KUTTAPPUZHA. PIN. 689103. 4 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER, (CONSTRUCTIONS) 682016.

BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 TO R3 SRI.N.K.SUBRAMANIAN, SC, RAILWAYS FOR R4 G.MAHESWARY, CGC, FOR R4 :- 9 :- 10 :- & LA.APP. NO. 195 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANT & 2ND REPSONDENT IN LAR: 1 SAVITHRI SURENDRAN SANDHYA SADANAM, PULICKATRA MALAYIL, KUTTAPPUZHA VILLAGE, THIRUVALLA PIN - 689 103. 2 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) PIN 682016 BY ADVS. SMT.LIZAMMA AUGUSTINE, SC, RAILWAYS FOR R2 SRI.DINESH CHERUKAT, SC, RAILWAYS FOR R2 SRI.P.K.RAMKUMAR FOR R2

:- 11 :- & LA.APP. NO. 218 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA RESPONDENTS/CLAIMANT & 2ND REPSONDENT IN LAR: 1 RENI GEORGE, KALATHIL, MEENTHALAKKARA MURI, KUTTAPPUZHA VILLAGE, 689103 2 GEORGE, KALATHIL, MEENTHALAKKARA MURI, KUTTAPPUZHA VILLAGE, 689103 3 REJI GEORGE, KALATHIL, MEENTHALAKKARA MURI, KUTTAPPUZHA VILLAGE, 689103 4 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 TO R3 SRI.GIRISH KUMAR.V., CGC FOR R4 :- 12 :- & LA.APP. NO. 231 OF 2017 AGAINST THE JUDGMENT

AND DECREE DATED 31.08.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR: 1 THOMAS, S/O.ISAC PUTHEN KALAYIL, ERUVALLIPRA MURI, KUTTAPUZHA VILLAGE-689103. 2 SOUTHERN RAILWAY, ERNAKULAM REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) PIN 695001 BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.P.SANJAY, SC, RAILWAYS FOR R2 :- 13 :- & LA.APP. NO. 260 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 JOY THOMAS, PLAVUNILKUNNATHIL, MEENTHALAKKARA MURI, KUTTAPUZHA VILLAGE PIN-689 103. 2 GEETHA, PLAVUNILKUNNATHIL, MEENTHALAKKARA MURI, KUTTAPUZHA VILLAGE PIN-689103. 3 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) PIN 682 016.

BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 AND R2 SRI.P.SANJAY FOR R3 SMT.MINI GOPINATH, CGC FOR R3 :- 14 :- & LA.APP. NO. 329 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2017 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR: 1 T.V.THOMAS, THALIYANIKKAL VEEDU, EZHUMATTOOR-689586. 2 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS)-682016. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.SUDHIR GOPI, SC, RAILWAYS FOR R2 SRI.M.S.IMTHIAZ AHAMMED, SC, RAILWAYS

-: 15 :- & LA.APP. NO. 408 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.03.2017 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANT & 2ND REPSONDENT IN LAR: 1 ABRAHAM VARGHESE THAYYILPARAMBIL,MEENTHALAKKARA MURI,KUTTAPPUZHA-689103. 2 SOUTHERN RAILWAY ERNAKULAM,REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS)-682016. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.P.K.RAMKUMAR, SC, RAILWAYS FOR R2 S.KRISHNA -: 16 :- & LA.APP. NO. 409 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.03.2017 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA RESPONDENTS/CLAIMANT & 2ND REPSONDENT IN LAR: 1 GRACY VARKEY, KANJIRATHARAMALAYIL, ERUVELLIPRA MURI, KUTTAPUZHA VILLAGE,PIN 689 103 2 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS)- 682 016

BY ADVS. SRI.CHERIAN GEE VARGHESE SRI.P.HARIDAS SRI.BIJU HARIHARAN SRI.R.B.BALACHANDRAN SRI.RENJI GEORGE CHERIAN SRI.P.C.SHIJIN SRI.DINESH CHERUKAT, SC, RAILWAYS FOR R2 SRI.ANANTHAKRISHNAN SC, RAILWAYS FOR R2 -: 17 :- & LA.APP. NO. 411 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.03.2017 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANT & 2ND REPSONDENT IN LAR: 1 ABRAHAM VARGHESE, POWER OF ATTORNEY HOLDER OF THOMAS JOHN, THAYYILPARAMBIL, MEENTHALAKKARA MURI, KUTTAPPUZHA - 689 103. 2 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) -682016 BY ADVS. S.KRISHNA FOR R2 SRI.P.K.RAMKUMAR, SC, RAILWAYS FOR R2 -: 18 :- & LA.APP.

NO. 32 OF 2018 AGAINST THE JUDGMENT AND DECREE DATED 30.03.2017 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANT & 2ND REPSONDENT IN LAR: 1 AMMINI KUNJACHAN POWER OF ATTORNEY HOLDER OF DAISY CHERIAN, THAZHAMPALLATHU HOUSE, MEENTHALAKKARA MURI, KUTTAPPUZHA - 689 103. 2 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY THE DEPUTY CHIEF ENGINEER (CONSTRUCTIONS), PIN - 682 016. BY ADVS. SRI.P.K.SAJEEV, SC, RAILWAYS FOR R2 SUVIN.R.MENON FOR R2 -: 19 :- & LA.APP. NO. 186 OF 2019 AGAINST THE JUDGMENT AND DECREE DATED 08.03.2018 IN LAR APPELLANT/RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, PATHANAMTHITTA RESPONDENTS/CLAIMANTS IN LAR: 1 ANNAMMA, PARIYARATHU HOUSE, THUKALASSERY MURI, KUTTAPPUZHA 689 103 2 MATHAI MATHAI, PARIYARATHU HOUSE, THUKALASSERY MURI, KUTTAPPUZHA, REPRESENTED BY POWER OF ATTORNEY HOLDER P.S. MATHEW, PERIYARATHU HOUSE, THULASSERY MURI, KUTTAPUZH-689103 3 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) 682 016. ADV.SRI.M.S.IMTHIAZ AHAMMED -: 20 :- & LA.APP. NO. 99 OF 2020 AGAINST THE JUDGMENT AND DECREE DATED 30.03.2019 IN LAR APPELLANT/RESPONDENT NO.1 IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANTS & RESPONDENT NO.1 IN LAR:

1 VIMALA CHERIAN, W/O.VARGHESE CHERIAN, KURUMTHOTTATHIL HOUSE, VELIYARA MURI, AYROOR VILLAGE, PIN-689611. *2 VARGHESE CHERIAN, S/O.VARGHESE CHERIAN, KURUMTHOTTATHIL HOUSE, VELIYARA MURI, AYROOR VILLAGE, PIN-689611. [DELETED] *THE NAME AND ADDRESS OF THE 2ND

RESPONDENT DELETED FROM THE CAUSE TITLE OF THE APPEAL AS PER THE ORDER DATED 07/9/2021 IN I.A.NO.1/2021 IN LAA 99/2020 3 K.C.MARIAMMA, W/O.JOSEPH, MANALAE HOUSE, AYROOR, PIN-689611. 4 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTION), PIN-682016. -: 21 :- BY ADVS. SRI.JACOB P.ALEX FOR R1 SRI.M.S.IMTHIAZ AHAMMED, SC, RAILWAYS FOR R2 SRI.JOSEPH P.ALEX FOR R1 SHRI.MANU SANKAR P. Girish Kumar V CGC FOR R2

-: 22 :- & LA.APP. NO. 186 OF 2020 AGAINST THE JUDGMENT AND DECREE DATED 30.03.2019 IN LAR APPELLANT/RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA, PIN - 689 645. RESPONDENTS/CLAIMANT & 2ND REPSONDENT IN LAR: 1 JOHN VARKEY, MEMADATHIL HOUSE, OPPOSITE RAILWAY STATION, EAST THIRUVALLA P.O., PATHANAMTHITTA DISTRICT, PIN - 689101.

2 SOUTHERN RAILWAY, ERNAKULAM REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS), PIN - 682 016. BY ADVS. SRI.JOSEPH GEORGE SRI.BIJO THOMAS GEORGE SRI.P.A.REJIMON -: 23 :- & LA.APP. NO. 197 OF 2021 AGAINST THE JUDGMENT AND DECREE DATED 19.11.2019 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA, REPRESENTED BY DISTRICT COLLECTOR, PATHANAMTHITTA. RESPONDENTS/CLAIMANT & 2ND REPSONDENT IN LAR:

1 MATHEW GEORGE, THIRUVILAKALAYIL BUNGALOW, PERUMTHURUTHY MURI, KAVUMBHAGOM VILLAGE, THIRUVALLA, PIN-689591. *2 SOUTHERN RAILWAYS, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS). (CORRECTED) *AS PER ORDER DATED 24.09.2021 IN MEMO DTD. 20.09.2021 IN UNNUMBERED I.A..../2021 (FILING NO.20795/2021) ADDRESS OF R2

IS CORRECTED AS FOLLOWS: SOUTHERN RAILWAY, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS), ERNAKULAM JUNCTION, COCHIN, KERALA PIN 682016. -: 24 :- BY ADVS. RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.P.P.M.NAJEEB KHAN, SC, RAILWAYS FOR R2 VINU T.V. CGC FOR R2 -: 25 :-

P.B.SURESH KUMAR & JOHNSON JOHN, JJ.
----- L.A.Appeal Nos.147, 162, 168, 172, 175, 182, 195, 218, 231, 260, 329, 408, 409 and 411 of 2017, 32 of 2018, 186 of 2019, 99 and 186 of 2020 and 197 of 2021
----- Dated this the 29th day of November, 2023

JUDGMENT

P.B.Suresh Kumar, J.

These appeals arise from the judgments in a batch of references made under Section 18 of the Land Acquisition Act, 1894 (the Act) in respect of lands in Kuttappuzha Village acquired for doubling of railway line from Chengannoor to Chingavanam, pursuant to a notification issued on 18.07.2009 in terms of Section 4(1) of the Act. Even though the references were not tried jointly and disposed of together, as the acquired lands involved in the cases were similarly classified by the Land Acquisition Officer for the purpose of acquisition, we are disposing of these appeals by this common judgment.

2. Heard the learned counsel for the parties on either side.

3. For the purpose of acquisition, the Land

Acquisition Officer classified the acquired lands into six different categories, of which category I are dry lands having access from -: 26 :- PWD road and Municipal road in main residential area, category II are dry lands having access from Municipal road and Railway mud road in main residential area and category

III are dry lands having access only through Railway puramboke or pathway but nearby to town area, and reclaimed land near town. The note to award prepared by the Land Acquisition Officer in connection with the acquisition reveals that for the purpose of fixing the land value of the lands brought under Categories I, II and III, the Land Acquisition Officer has taken into account the land value shown in Sale Deed No.1492/2008 of SRO, Thiruvalla dated 12.05.2008. The note to award also reveals that the Land Acquisition Officer has made a comparison between the land covered by the basis document and the acquired lands and fixed the land value for the lands brought under Category I at Rs.1,17,072/- per Are which is 20% above the land value shown in the basis document. For the lands brought under Category II, the Land Acquisition Officer fixed the land value at Rs.1,05,364/- per Are which is 10% above the land value shown in the basis document. As the lands brought under Category III were inferior when compared to the lands brought under Categories I and II, the Land Acquisition Officer fixed the land value for the same at Rs.78,048/- per Are which is 20% less than the land value shown in the basis document.

4. We have gone through the judgments which are

impugned in the appeals, and we find that they are not consistent :- 27 :- in so far as the same relates to the land value for the lands brought under categories I, II and III, and it is therefore necessary to fix the land value for the said lands in these appeals based on the materials made available by the parties. On a perusal of the judgments, we find that L.A.R.No.45 of 2012 from which L.A.A.No.195 of 2017 arises and L.A.R.No.92 of 2012 from which L.A.A.No.197 of 2021 arises, are the only cases where some evidence worth consideration have been let in by the claimants. In fact, in both these cases, the land value has been fixed by the reference court based on the land value shown in Sale Deed No.291/2009 of S.R.O., Thiruvalla. Inasmuch as the claimants in these cases have not produced any other better material in support of their claim for enhanced land value, we are of the view that the land value shown in Sale Deed No.291/2009 can be the basis for deciding the land value of the lands involved in these cases. Similarly, inasmuch as one and the same document was the basis for fixing the land value of the lands brought under the three categories namely Category I, II and III, we are

also of the view that the land value for the acquired lands brought under the said three categories can be fixed based on the land value shown in Sale Deed No.291/2009 applying the same yardstick applied by the Land Acquisition Officer for fixing the land value for the said categories based on the land value shown in the basis document.

5. As noted, 4(1) notification in respect of this

-: 28 :- acquisition was issued on 18.07.2009. Sale Deed No.291/2009 is one executed almost six months prior to 4(1) notification on 30.01.2009. It is seen that in L.A.R.No.45 of 2012, having regard to the totality of the facts and circumstances of the case, especially having regard to the lie of the roads in the locality, the reference court found that it is only appropriate that the land value for the lands involved in that case be fixed in tune with the land value shown in Sale Deed No.291/2009. However, in L.A.R.No.92 of 2012, the reference court made a comparison between the acquired land and the land covered by Sale Deed No.291/2009 and then fixed the land value for the acquired land at Rs.7,00,000/- per Are. Inasmuch as the lands required for the public purpose have been acquired after classifying the same into different categories, we are of the view that in the absence of any case for the claimants that the classification and categorisation made by the Land Acquisition Officer is bad, it is only appropriate that a uniform land value is fixed for all the lands brought under one category, even though there would be slender differences between them.

6. It is seen that the extent of land involved in Sale

Deed No.291/2009 is 7.07 Ares and the total sale consideration shown therein is Rs.41,92,560/- and the land value per Are shown in the document would therefore work out to be Rs.5,93,007/- per Are. As noted, the notification under Section 4(1) of the Act was issued almost six months after the execution of Sale Deed No.291/2009. -: 29 :- As such, the amount shown in Sale Deed No.291/2009 has to be increased by 5% to cover up the escalation for the period of six months while reckoning the same as the basis for fixing the land value for the acquired lands. If 5% is added to the land value shown in Sale Deed No.291/2009, the amount would come to Rs.6,22,650/- per Are. The finding by the reference court in the

judgments in L.A.R.Nos.45 of 2012 and 92 of 2012 is that the acquired lands involved in those cases which are brought under Category I are comparable to the lands covered by Sale Deed No.291/2009. If that be so, according to us, the land value for the acquired lands brought under Category I can be fixed at Rs.6,22,650/- per Are. If the land value for the lands brought under Categories II and III is determined on the same yardstick as applied by the Land Acquisition Officer, the land value payable to the lands brought under Category II would come to Rs.5,70,757/- per Are and the land value payable to the lands brought under Category III would come to Rs.4,15,100/- per Are. Needless to say, all the appeals preferred by the State challenging judgments in which land value has been fixed over and above the fixation made by us are to be allowed in part and all the appeals preferred by the State challenging judgments in which land value has been fixed below the fixation made by us are to be dismissed. It is seen that L.A.A.Nos.147, 162, 168, 172, 175, 182, 218, 260, 329, 408, 409 and 411 of 2017, 186 of 2020 and 197 of 2021 are the cases where the land value has been fixed in the :- 30 :- impugned judgment above the land value fixed by us in this

judgment and L.A.A.Nos. 195 and 231 of 2017, 32 of 2018, 186 of

2019 and 99 of 2020 are the cases where the land value has been fixed in the impugned judgment below the land value fixed by us in this judgment.

7. In the result, the land value for the acquired lands

brought under Category I is fixed at Rs.6,22,650/- per Are, Category II is fixed at Rs.5,70,757/- per Are and Category III is fixed at Rs.4,15,100/- per Are. L.A.A.Nos.147, 162, 168, 172, 175, 182, 218, 260, 329, 408, 409 and 411 of 2017, 186 of 2020 and 197 of 2021 are therefore, allowed in part and L.A.A.Nos. 195, 231 of 2017, 32 of 2018, 186 of 2019 and 99 of 2020 are dismissed. Interlocutory applications, if any, pending in these appeals are dismissed. Sd/- P.B.SURESH KUMAR, JUDGE. Sd/- JOHNSON JOHN, JUDGE. ds 29.11.2023