

State of Kerala vs Johnson

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Court : Kerala

Decided On : Oct-31-2023

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

Appeal No. : LA.App./376/2017

Appellant : State of Kerala

Respondent : Johnson

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR. JUSTICE JOHNSON JOHN TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA, 1945 LA.APP. NO. 376 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 40/2013 OF ADDITIONAL SUB COURT, KOTTAYAM. APPELLANTS/RESPONDENT NO.1 AND 2: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM 2 THE SPECIAL TAHSILDAR, L.A(RAILWAY),KOTTAYAM BY SENIOR GOVERNMENT PLEADER SRI.T.K.SHAJAHAN RESPONDENTS/CLAIMANT AND 3RD RESPONDENT:

1 JOHNSON, S/O.JOSEPH, PUNCHATHALACKAL HOUSE, MUTTUCHIRA, VAIKOM TALUK, PIN 686 613 2 THE DEPUTY CHIEF ENGINEER, (CONSTRUCTION) SOUTHERN RAILWAY, ERNAKULAM. BY ADVS. R2 BY SRI.M.S.IMTHIAZ AHAMMED, SC, RAILWAYS R1 BY SRI.J.JULIAN XAVIER & SRI.FIROZ K.ROBIN. THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 31.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.376 of 2017 2 P.B.SURESH KUMAR & JOHNSON JOHN, JJ. L.A.A. No.376 of 2017 Dated this the 31st day of October, 2023.

JUDGMENT

P.B.Suresh Kumar, J.

This appeal by the State is preferred against the

judgment in LAR No.40 of 2013 on the files of the Additional Sub

Court, Kottayam. The grievance of the State is that the land value fixed by the reference court is unreasonably excessive.

2. In terms of the judgment rendered by us in L.A.A.

No.331 of 2017 dated 31.10.2023, we have allowed the appeal preferred by the claimant in the very same proceedings against the impugned judgment and re-fixed the land value at Rs.2,47,000/- per Are. In the light of the said decision, this appeal is only to be dismissed and we do so. Sd/-P.B.SURESH KUMAR, JUDGE. Sd/-JOHNSON JOHN, JUDGE. amk

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