

Special Tahsildar vs Ammu

Special Tahsildar vs Ammu

SooperKanoon Citation : sooperkanoon.com/1352667

Court : Kerala

Decided On : Oct-05-2023

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

Appeal No. : LA.App./726/2013

Appellant : Special Tahsildar

Respondent : AMMU

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 THURSDAY, THE 5TH DAY OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 706 OF 2013 AGAINST THE JUDGMENT AND DECREE DATED 27.03.2013 IN LAR NO.11/2008 OF SUB COURT, KOCHI APPELLANT/1ST RESPONDENT IN L.A.R.: SPECIAL TAHSILDAR, (LA), ICTT, VALLARPADAM, ELOOR. BY SPECIAL GOVERNMENT PLEADER SMT.SUDHA DEVI RESPONDENTS/CLAIMANT & ADDL.2ND RESPONDENT IN L.A.R.: 1 PARVATHY, W/O. VASUDEVAN, PALIYOMPARAMBIL, AZHEEKAL P.O.-682510. 2 THE

CHAIRMAN, COCHIN PORT TRUST, WILLINGTON ISLAND, COCHIN-682003. BY ADVS.SRI.SAJAN MANNALI FOR R1 SRI.K.ANAND SR.FOR R2 SMT.LATHA KRISHNAN FOR R2 SMT.V.N.SHASHIKALA FOR R1 SMT.SANTHI K. PAI FOR R1 OTHER PRESENT: SMT.N.SUDHA DEVI, SR.G.P. THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05.10.2023, ALONG WITH LA.App..726/2013, 728/2013 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: con. cases 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 726 OF 2013 AGAINST THE JUDGMENT AND DECREE DATED 27.03.2013 IN LAR NO.27/2008 OF SUB COURT, KOCHI

APPELLANT/1ST RESPONDENT IN L.A.R.: SPECIAL TAHSILDAR, (LA), ICTT, VALLARPADAM, ELOOR BY SPL. GOVERNMENT PLEADER SMT.SUDHA DEVI RESPONDENTS/CLAIMANTS & ADDL.2ND RESPONDENT IN L.A.R.: 1 AMMU, W/O.BHASKARAN, THAIVELIKAKTHU, AZHEEKAL P.O. 682 510 2 THE CHAIRMAN, COCHIN PORT TRUST, WILLINGTON ISLAND, COCHIN 682 003 ADDL.R3 GEETHA/ W/O.UDANKAR, THAIVELIKATH HOUSE, AZHEEKAL, VYPIN, KERALA-682 501. ADDL.R4 ANUSHA, D/O.UDANKAR, THAIVELIKATH HOUSE, AZHEEKAL, VYPIN, KERALA-682 501. ADDL.R5 SARITHA, D/O.UDANKAR, THAIVELIKATH HOUSE, AZHEEKAL, VYPIN, KERALA-682 501. ADDL.R6 LAILA, W/O. BABU, THAIVELIKATH HOUSE, AZHEEKAL, con. cases 3 VYPIN, KERALA-682 501. ADDL.R7 PRAJEESH, S/O.BABU, THAIVELIKATH HOUSE, AZHEEKAL, VYPIN, KERALA-682 501. ADDL.R8 PRIYANKA, D/O.BABU, THAIVELIKATH HOUSE, AZHEEKAL, VYPIN, KERALA-682 501. (ADDITIONAL RESPONDENTS 3 TO 8 ARE IMPEADED AS PER ORDER DATED 05.10.2023 IN I.A.NO.1 OF 2022)

BY ADVS. ARATHI PRAKASH, SMT.LATHA ANAND SANTHI K.PAI SRI.K.ANAND SR. FOR R2 SMT.LATHA KRISHNAN FOR R2

SMT.K.S.LAKSHMIPRIYA SRI.SAJAN MANNALI FOR R1, R3 TO R8
SMT.V.N.SHASHIKALA THIS LAND ACQUISITION APPEAL HAVING BEEN
FINALLY HEARD ON 05.10.2023, ALONG WITH LA.App..706/2013 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: con. cases 4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE
HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY
OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 728 OF 2013 AGAINST
THE JUDGMENT AND DECREE DATED 12.04.2013 IN LAR NO.22/2008 OF
SUB COURT, KOCHI

APPELLANT/RESPONDENT: STATE OF KERALA REPRESENTED BY THE
SPECIAL TAHSILDAR, (LA), ICTT, VALLARPADAM, ELOOR. BY SPL.
GOVERNMENT PLEADER SMT. SUDHA DEVI RESPONDENTS/CLAIMANT &
ADDITIONAL 2ND RESPONDENT: 1 SMT.VANAJA VISALAKSHAN
VAZHATHARA, AZHEEKKAL KADAVU, PUTHUVYPPU 682508 2 THE
CHAIRMAN, COCHIN PORT TRUST, WILLINGTON ISLAND, KOCHI - 682003

BY ADVS.SRI.T.B.GAFOOR FOR R1 SRI.K.ANAND (SR.) FOR R2 SMT.LATHA
KRISHNAN FOR R2 SRI.T.K.RADHAKRISHNAN FOR R1 SMT.K.S.SUDHA FOR
R1 SMT.S.SREEDEVI FOR R1 THIS LAND ACQUISITION APPEAL HAVING
BEEN FINALLY HEARD ON 05.10.2023, ALONG WITH LA.App..706/2013 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: con. cases 5

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE
HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY
OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 757 OF 2013 AGAINST
THE JUDGMENT AND DECREE DATED 11.04.2013 IN LAR NO.9/2008 OF SUB

COURT, KOCHI

APPELLANT/1ST RESPONDENT: THE SPECIAL TAHSILDAR (LA), I.C.T.T., VALLARPADAM, ELOOR. BY SPL.GOVERNMENT PLEADER SMT.SUDHA DEVI RESPONDENTS/CLAIMANT & 2ND RESPONDENT: 1 SMT.PHILSIYAMMA, W/O.ANTONY, POTTAYIL, KALAMUKKU, AZHEEKKAL, PUTHUVYPPU, 682508. 2 THE CHAIRMAN, COCHIN PORT TRUST, WILLINGTON ISLAND, KOCHI-682003. BY ADVS. SRI.M.S.UNNIKRISHNAN FOR R1 SRI.K.ANAND (SR.) FOR R2 SMT.LATHA KRISHNAN FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY

HEARD ON 05.10.2023, ALONG WITH LA.App..706/2013 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: con. cases 6

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 761 OF 2013 AGAINST THE JUDGMENT AND DECREE DATED 27.03.2013 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: SPECIAL TAHSILDAR, (LA) ICTT, VALLARPADAM, ELOOR BY SPL.GOVERNMENT PLEADER SMT.SUDHA DEVI RESPONDENTS/CLAIMANT & ADDL.2ND RESPONDENT IN L.A.R.:

*1 KUNJAPPAN, S/O KUTTAPPAN, VELUTHEDATHU, AZHEEKAL P.O, 682510 (DELETED) (IT IS RECORDED THAT 1ST RESPONDENT IS DEAD AND THE NAME OF R1 IS DELETED FROM THE CAUSE LIST VIDE ORDER DATED 20.06.2014 IN MEMO DATED 10.06.2014 IN L.A.A. 761 OF 2013)

2 GIRIJA KUNJAPPAN, AGED 55 YEARS, W/O LATE KUNJAPPAN, VELUTHEDATHU HOUSE, AZHEEKAL P.O, VYPIN, ERNAKULAM DISTRICT 682510 3 N.K. GEETHA, AGED 35 YEARS, D/O LATE KUNJAPPAN, RESIDING AT VELUTHEDATHU HOUSE, AZHEEKAL P.O, VYPIN, ERNAKULAM DISTRICT 682510 con. cases 7 4 THE CHAIRMAN COCHIN PORT TRUST, WILLINGTON

ISLAND, COCHIN.

BY ADVS. SMT.SANTHI K. PAI FOR R2 AND R3 SRI.K.ANAND (SR.) FOR R4 SMT.LATHA KRISHNAN FOR R4 SRI.SAJAN MANNALI FOR R2 AND R3 SMT.V.N.SHASHIKALA FOR R2 AND R3 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05.10.2023, ALONG WITH LA.App..706/2013 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: con. cases 8

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 763 OF 2013 AGAINST THE JUDGMENT AND DECREE DATED 27.03.2013 IN LAR NO.14/2008 OF SUB COURT, KOCHI

APPELLANT/1ST RESPONDENT IN L.A.R.: SPECIAL TAHSILDAR(L.A), ICTT, VALLARPADAM, ELOOR. BY SPL.GOVERNMENT PLEADER SMT.SUDHA DEVI RESPONDENTS/CLAIMANT & ADDL.2ND RESPONDENT IN L.A.R. *1 RAJAPPAN, S/O.KARUPPAN KALATHILPARAMBIL, AZHEEKAL.P.O.-682 510. (DIED, LRS IMPEADED) 2 THE CHAIRMAN, COCHIN PORT TRUST, WILLINGTON ISLAND, COCHIN 682 003. *ADDL.R3 VILASINI, W/O.RAJAPPAN, KALATHIPARAMBIL HOUSE, AZHEEKAL, VYPIN, KERALA-682 501. ADDL.R4 RAJESH, S/O.RAJAPPAN, KALATHIPARAMBIL HOUSE, AZHEEKAL, VYPIN, KERALA-682 501. ADDL.R5 RAJISHA, D/O.RAJAPPAN, KALATHIPARAMBIL HOUSE,

AZHEEKAL, VYPIN, KERALA-682 501. (THE LEGAL REPRESENTATIVES OF DECEASED FIRST RESPONDENT ARE IMPEADED AS ADDITIONAL con. cases 9 RESPONDENTS 3 TO 5 AS PER ORDER DATED 05.10.2023 IN I.A.NO.1 OF 2022 IN LAA NO.763 OF 2013) BY ADVS. SRI.SAJAN MANNALI FOR R1 SRI.K.ANAND (SR.) FOR R2 SMT.LATHA KRISHNAN FOR R2 SMT.SANTHI K.PAI FOR R1 SMT.V.N.SHASHIKALA FOR R1 THIS LAND

ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05.10.2023, ALONG WITH LA.App..706/2013 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: con. cases 10

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 765 OF 2013 AGAINST THE JUDGMENT AND DECREE DATED 27.03.2013 IN LAR NO.13/2008 OF SUB COURT, KOCHI

APPELLANT/1ST RESPONDENT IN L.A.R.: SPECIAL TAHSILDAR, (LA) ICTT, VALLARPADAM, ELOOR. BY SPL.GOVERNMENT PLEADER SMT.SUDHA DEVI RESPONDENTS/CLAIMANT & ADDL.2ND RESPONDENT IN L.A.R.: 1 THE PRESIDENT, AZHEEKAL MARANAVASYA SAHAYA SAMITHI, AZHEEKAL P.O, 682 510. 2 ROMY, W/O.XAVIER MOONNUTHAILLAL, AZHEEKAL, PUTHUVYPE 682 510

3 A.K. VANAJAN, S/O.A.A.KUMARAN ARAKKATTU HOUSE, MURIKKUMPADAM, AZHEEKAL P.O. KOCHI TALUK, ERNAKULAM DIST. 682 510 4 THE CHAIRMAN, COCHIN PORT TRUST, WILLINGTON ISLAND, COCHIN. BY ADVS. SMT.SANTHI K.PAI FOR R1 con. cases 11 SRI.K.ANAND FOR R4 SMT.LATHA KRISHNAN FOR R4 SRI.SAJAN MANNALI FOR R1 SMT.V.N.SHASHIKALA FOR R1 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05.10.2023, ALONG WITH LA.App..706/2013 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: con. cases 12

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 770 OF 2013 AGAINST

THE JUDGMENT AND DECREE DATED 12.04.2013 IN LAR APPELLANT/RESPONDENT: THE SPECIAL TAHSILDAR (LA), ICTT, VALLARPADAM, ELOOR. BY SPL. GOVERNMENT PLEADER SMT.SUDHA DEVI RESPONDENTS/CLAIMANT & ADDITIONAL 2ND RESPONDENT: 1 SASIKALA, W/O.SADANANDAN, AYYANATT HOUSE, AZHEEKKAL P.O., PUTHYVYPU-682510. 2 THE CHAIRMAN, COCHIN PORT TRUST, WILLINGTON ISLAND, KOCHI-682001.

BY ADVS. SRI.T.B.GAFOOR FOR R1 SRI.K.ANAND SR. FOR R2 SMT.LATHA KRISHNAN FOR R2 SRI.T.K.RADHAKRISHNAN FOR R1 SMT.S.SREEDEVI FOR R1 SMT.K.S.SUDHA FOR R1 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05.10.2023, ALONG WITH LA.App..706/2013 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: con. cases 13

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 777 OF 2013 AGAINST THE JUDGMENT AND DECREE DATED 27.03.2013 IN LAR APPELLANT/1ST RESPONDENT: SPECIAL TAHSILDAR, (LA) ICTT, VALLARPADAM,ELOOR. BY SPL.GOVERNMENT PLEADER SMT.SUDHA DEVI RESPONDENTS/CLAIMANTS & 2ND RESPONDENT: 1 GOPALAKRISHNAN, S/O.SADANANDAN, PADINJAREVELIYIL, AZHEEKKAL-682510. 2 PRASAD, S/O.SADANANDAN, PADINJAREVELIYIL, AZHEEKKAL-682510. 3 JYOTHILAKSHMI (MINOR) D/O.INDIRA, PADINJAREVELIYIL, AZHEEKKAL-682510. 4 THE CHAIRMAN, COCHIN PORT TRUST, WILLINGTON ISLAND,COCHIN-682003.

BY ADVS. ARATHI PRAKASH FOR R1 TO R3 SRI.K.ANAND (SR.) FOR R4 SANTHI K PAI FOR R1 TO R3 SMT.LATHA KRISHNAN FOR R4 SMT.K.S.LAKSHMIPRIYA FOR R1 TO R3 con. cases 14 SRI.SAJAN MANNALI FOR R1 TO R3 SMT.V.N.SHASHIKALA FOR R1 TO R3 THIS LAND

ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05.10.2023, ALONG WITH LA.App..706/2013 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: con. cases 15

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 787 OF 2013 AGAINST THE JUDGMENT AND DECREE DATED 12.04.2013 IN LAR NO.24/2008 OF SUB COURT, KOCHI

APPELLANT/RESPONDENT: THE SPECIAL TAHASILDAR (LA), ICTT, VALLARPADAM, ELOOR. BY SPL. GOVERNMENT PLEADER SMT.SUDHA DEVI RESPONDENTS/CLAIMANT & ADDITIONAL 2ND RESPONDENT: 1 KRISHNAN, S/O. SANNALAN, MADATHIPARAMBIL, AZHEEKKAL, KALAMUKKU. PIN-682510. 2 THE CHAIRMAN, COCHIN PORT TRUST, WILLINGTON ISLAND, KOCHI-682001. ADDL.R3 BABY KRISHNAN, W/O. LATE KRISHNAN,

AGED 65 YEARS, MADATHIL PARAMBIL HOUSE, SREE MALLIKARJUNA TEMPLE, GANDHI NAGAR, ELAMKUNNAPUZHA, OCHANATHURUTH, ERNAKULAM - 682 508. ADDL.R4 GIRIJA BABU, D/O. KRISHNAN, KOLARIKKAL HOUSE, EDAYAKUNNAM, SOUTH CHITTOOR P.O - 682 027. ADDL.R5 VANAJA S.K. D/O. KRISHNAN, AGED 49, con. cases 16

MADATHI PARAMBIL HOUSE, SREE MALLIKARJUNA TEMPLE, GANDHI NAGAR, ELAMKUNNAPUZHA, OCHANATHURUTH, ERNAKULAM - 682 508. ADDL. R6 JALAJA S.K., D/O. KRISHNAN, AGED 45, MADATHI PARAMBIL HOUSE, SREE MALLIKARJUNA TEMPLE, GANDHI NAGAR, ELAMKUNNAPUZHA, OCHANATHURUTH, ERNAKULAM-682 508. ADDL. R7 SHYLAJA AJESH D/O. KRISHNAN, AGED 40,

ARAKKAPARAMBIL HOUSE, NR. KANDAKADAVU, KUMBALANGI, ANDIKADAVU, ERNAKULAM - 682 008. (LEGAL HEIRS OF THE DECEASED R1

IS IMPEADED AS ADDITIONAL R3 TO R7 AS PER ORDER DATED 01.04.2022 IN I.A.NO.1 OF 2022) BY SRI.T.B.GAFOOR FOR R1 SRI.K.ANAND (SR.) FOR R1 AND R2 SMT.LATHA ANAND FOR R1 T.K.RADHAKRISHNAN R1 TO R7 SMT.LATHA KRISHNAN FOR R2 S.SREEDEVI FOR R1 T.R.HARIKRISHNAN FOR R1 TO R7 CHITHRA R.SHENOY THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05.10.2023, ALONG WITH LA.App..706/2013 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: con. cases 17

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 833 OF 2013 AGAINST THE JUDGMENT AND DECREE DATED 12.04.2013 IN LAR NO.17/2008 OF SUB COURT, KOCHI APPELLANT/RESPONDENT: THE SPECIAL TAHSILDAR (LA), ICTT, VALLARPADAM, ELOOR. BY SPL. GOVERNMENT PLEADER SMT.N.SUDHA DEVI RESPONDENTS/CLAIMANT & ADDITIONAL 2ND RESPONDENT: 1 THULASIDAS, S/O PADMANABHAN, CHENNIPARAMBU, AZHEEKKAL KADAVU-682 508. (DIED AND LEGAL HEIRS ARE IMPEADED)

2 THE CHAIRMAN, COCHIN PORT TRUST, WILLINGTON ISLAND, KOCHI-682 003. ADDL.R3 JAYAKUMAR C.T., AGED 50, S/O. THULASIDAS, CHENNIPARAMBU, AZHEEKKAL KADAVU, PUTHUVAIPPU - 682 010. ADDL.R4 SEEJA C.T., AGED 48,S/O. THULASIDAS, CHENNIPARAMBU, AZHEEKKAL KADAVU, PUTHUVAIPPU - 682 010. ADDL.R5 SAGISH.C.T., AGED 45, S/O. THULASIDAS, CHENNIPARAMBU, AZHEEKKAL KADAVU, con. cases 18

PUTHUVAIPPU - 682 010. *THE LEGAL HEIRS OF R1 IMPEADED AS ADDL. RESPONDENT NOS. 3 TO 5 AND DEATH OF R1 IS RECORDED AS PER THE ORDER IN I.A. NO. 1 /2021 DATED 03-11-2021. BY ADVS. T.B.GAFOOR FOR R1 T.K.RADHAKRISHNAN FOR R1 T.R.HARIKRISHNAN FOR R1 K.ANAND (SR.) FOR R2 LATHA KRISHNAN FOR R2 S.SREEDEVI(ALP) FOR R1 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05.10.2023,

ALONG WITH LA.App..706/2013 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: con. cases 19

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 5TH DAY OF OCTOBER 2023 / 13TH ASWINA, 1945 LA.APP. NO. 564 OF 2014 AGAINST THE JUDGMENT AND DECREE DATED 11.04.2013 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: THE SPECIAL TAHSILDAR (L.A.) I.C.T.T, VALLARPADOM, ELOOR. BY SPL. GOVERNMENT PLEADER SMT.N.SUDHA DEVI RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN L.A.R.: 1 SMT.ANNIE, D/O.JOSEPH, THOPPIL, PUTHUVYPE - 682 508. 2 THE CHAIRMAN, COCHIN PORT TRUST, WILLINTON ISLAND, KOCHI 682 003.

BY ADVS. SRI.M.S.UNNIKRISHNAN FOR R1 JAYASREE MANOJ FOR R1 SRI.K.ANAND (SR.) FOR R2 SMT.LATHA KRISHNAN FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05.10.2023, ALONG WITH LA.App..706/2013 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: con. cases 20 P.B.SURESH KUMAR & P.G.AJITHKUMAR, JJ. ----- L.A.Appeal Nos.706, 726, 728, 757, 761, 763, 765, 770, 777, 787 and 833 of 2013 and 564 of 2014 ----- Dated this the 05th day of October, 2023

JUDGMENT

P.B.Suresh Kumar, J.

This batch of appeals arise from the judgments, in terms of which 12 references made under Section 18 of the Land Acquisition Act, 1894 (the Act) were disposed of by the court below re-fixing the land value assigned by the Land Acquisition Officer to the acquired lands. The State is the appellant in all the appeals. Documents are referred to in this judgment, as they appear in LAR No.13 of 2008 from which LAA No.765 of 2013 arises.

2. The references pertain to the acquisition of lands

for construction of the connectivity road to the Special Economic Zone, Puthuvyppu. The notification under Section 4(1) of the Act, which pertains to the acquisition, was one issued on 30.12.2006. The con. cases 21 Land Acquisition Officer classified the lands for the purpose of fixing the land value into two categories, of which category-I was dry land abutting PWD road and category-II was dry land abutting panchayath road. For the lands falling under category-I, the Land Acquisition Officer assigned the land value at Rs.2,71,790/- per Are and for the lands falling under category-II, the Land Acquisition Officer assigned the land value at Rs.2,44,611/- per Are. The reference court re-fixed the land value of the lands falling under category-I at Rs.4,94,200/- per Are and of the lands falling under category-II at Rs.4,44,600/- per Are. As noted, the State is aggrieved by the re-fixation of the land value made by the reference court.

3. Heard the learned Government Pleader as also the learned counsel for the claimants.

4. A copy of the Note to award prepared at the time

of acquisition which was made available by the learned Government Pleader at the time of hearing shows that the land value has been fixed by the Land Acquisition Officer based on Exts.R4 and R5 sale deeds by taking the average of the value shown therein namely Rs.2,47,082/- per Are. It is seen that having regard to the fact that the acquired lands falling under category-I are slightly superior to the lands covered by Exts.R4 and R5 sale deeds and the fact that con. cases 22 the notification under Section 4(1) of the Act was one issued a few months after the above referred documents, the Land Acquisition Officer fixed the land value of the lands falling under category-I at Rs.2,71,790/- per Are, adding 10% from the average of the value shown in Ext.R4 and R5 sale deeds. As the lands falling under category-II are not facing the PWD road, but facing only the Panchayat road starting from the PWD road, its value has been fixed at less 20% of the value fixed for the lands falling under category-I, viz, Rs.2,17,432/- per Are.

5. The case set out by the claimants in the claim

statements filed in the references is that the lands covered by Exts.R4 and R5 sale deeds are not comparable to the acquired lands. According to them, the acquired lands are comparable to the land covered by Ext.A1 produced by them which is a sale deed pertaining a land situated in Mulavukadu Village in which the land value shown is Rs.8,00,000/- per cent which would work out to be Rs.19,76,800/- per Are. Ext.A1 sale deed is one executed on 18.01.2007, a few days after Section 4(1) notification.

6. It is seen that the court below came to the

conclusion that the land covered by Ext.A1 sale deed is situated

about 3 kms away from the acquired lands and that the same con. cases 23 cannot, therefore, be the basis for fixing the land value of the acquired lands. Nevertheless, on an overall assessment of the entire materials on record, the court below fixed the land value of the lands falling under category-I at Rs.2,00,000/- per Cent, which would work out to be Rs.4,94,200/- per Are and fixed the land value for the lands falling under category-II at Rs.1,80,000/- per Cent which would work out to be Rs.4,44,600/- per Are.

7. The Note to award contains a sketch prepared by

the Land Acquisition Officer showing the location, not only of the acquired lands, but also the lands covered by Exts.R4 and R5 sale deeds. It is seen from the said sketch that the acquired lands were lands situated close to a commercially important junction called Kalamukku where Goshree Bridge road meets Vypin-Munambam road. The lands were acquired for the purpose of widening the road which proceeds from Kalamukku Junction to Special Economic Zone, Puthuvyppu in continuation to Goshree Bridge Road, after crossing the Kalamukku junction. The bits of lands covered by Exts.R4 and R5 sale deeds are shown in the sketch as situated on the northern side of Goshree Bridge Road near Kalamukku junction. The acquired lands are situated almost on identical position on the side of the road after the junction. Though it would appear at the first blush that the con. cases 24 fixation of the land value made by the Land Acquisition Officer is correct and the re-fixation of the land value made by the reference court is on the higher side, we

are of the view that the fact is otherwise, as we find that the value of the lands shown in Exts.R4 and R5 does not reflect the true value transacted between the parties. We take this view for the following reason: The land covered by Ext.A1 sale deed is a land situated in Mulavukadu Village. Mulavukadu Village, of course, is located closer to the point in the Kochi city from where Goshree Bridge Road commences, when compared to the acquired lands. It is not clear as to whether the land covered by Ext.A1 sale deed is a land situated on the side of Goshree Bridge Road. If the land covered by Ext.A1 is not one situated on the side of Goshree Bridge Road, it can be taken that the value of the land abutting the Goshree Bridge in Mulavukadu Village would be more than the value shown in Ext.A1. Let us assume for the purpose of this case that the land covered by Ext.A1 is situated on the side of Goshree Bridge Road itself, and if such a land would fetch Rs.19,76,800/- per Are, there cannot be any doubt that the lands acquired for widening the extension of the very same road would fetch at least 1/4th of its price, although it is situated almost 2 kms away from Mulavukadu Village. As noted, the re-fixation of land con. cases 25 value comes only approximately th of the land value shown in Ext.A1 sale deed. In the absence of any other material, we do not find any illegality in the impugned decisions, and the appeals are accordingly dismissed. Interlocutory applications, if any, pending in the appeals are closed. Sd/- P.B.SURESH KUMAR, JUDGE. Sd/- P.G.AJITHKUMAR, JUDGE. ds

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