

State of Kerala vs Lovel Kumar

State of Kerala vs Lovel Kumar

SooperKanoon Citation : sooperkanoon.com/1352861

Court : Kerala

Decided On : Dec-05-2023

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

Appeal No. : LA.App./128/2016

Appellant : State of Kerala

Respondent : Lovel Kumar

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 5TH DAY OF DECEMBER 2023/14TH AGRAHAYANA, 1945 LA.APP. NO. 83 OF 2016 AGAINST THE JUDGMENT AND DECREE DATED 19.08.2015 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN L.A.R.: 1 ANIYAN CHIRAYAIL VEEDU, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE, THIRUVALLA TALUK-689103. 2

SOUTHERN RAILWAY ERNAKULAM REP. BY DEPUTY CHIEF ENGINEER, (CONSTRUCTIONS)682011. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.P.V.SANTHOSH JOSE, SC, RAILWAYS FOR R2 SRI.S.BIJU, CGC FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..118/2017, DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 2

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 5TH DAY OF DECEMBER 2023/14TH AGRAHAYANA,1945 LA.APP. NO. 85 OF 2016 AGAINST THE JUDGMENT AND DECREE DATED 19.08.2015 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN L.A.R.:

1 VARKEY JOHN THEKKEL, ERAVIPEROOR 689541. 2 SOSAMMA JOHN THEKKEL ERAVIPEROOR 689541. 3 SOUTHERN RAILWAY ERNAKULAM, REP. BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) 682016 ADDL R4 VARGHESE JOHN, S/O.LATE VARKEY JOHN, THEKKEL, ERAVIPEROOR 689542. ADDL R5 SAJEEV JOHN, S/O.LATE VARKEY JOHN, THEKKEL, ERAVIPEROOR 689542. ADDL R6 SUJA VARGHESE, D/O.LATE VARKEY JOHN, THEKKEL, ERAVIPEROOR - 691501. THE LEGAL HEIRS OF THE DECEASED RESPONDENT NO.1 ARE IMPEADED AS ADDITIONAL RESPONDENTS 4 TO 6 AS PER ORDER DATED 05.12.2023 IN IA 1042/2016 IN LAA 85/2016.

LAA No.83 of 2016 & con cases 3 BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R2 SRI.P.SANJAY, SC, RAILWAYS FOR R3

SRI.GIRISH KUMAR.V., CGC FOR R3 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 4

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 90 OF 2016 AGAINST THE JUDGMENT AND DECREE DATED 19.08.2015 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN L.A.R.: 1 DEVAKIKUTTIAMMA KOLATHU VEEDU, THALAVADY VILLAGE, THIRUVALLA TALUK. 2 SURESH KOLATHU VEEDU, THALAVADY VILLAGE, THIRUVALLA TALUK. 3 SOUTHERN RAILWAY ERNAKULAM, REP. BY DEPUTY CHIEF ENGINEER, (CONSTRUCTIONS). BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 & R2 SRI.P.K.SAJEEV, SC, RAILWAYS FOR R3 SRI.GIRISH KUMAR.V., CGC FOR R3 SRI.JOHN MATHEW, SC RAILWAYS FOR R3 LAA No.83 of 2016 & con cases 5 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 6

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 5TH DAY OF DECEMBER 2023/14TH AGRAHAYANA,1945 LA.APP.

NO. 92 OF 2016 AGAINST THE JUDGMENT AND DECREE DATED 30.10.2015 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN L.A.R.: 1 MATHEW VARGHESE THYPARAMBIL NEW HOUSE, MUTHOOR MURI, THIRUVALLA - 689 104. 2 SOUTHERN RAILWAY ERNAKULAM REP. BY DEPUTY CHIEF ENGINEER, (CONSTRUCTIONS) - 682 011. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.S. BIJU FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 7

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 5TH DAY OF DECEMBER 2023/14TH AGRAHAYANA,1945 LA.APP. NO. 100 OF 2016 AGAINST THE JUDGMENT AND DECREE DATED 30.10.2015 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA BY ADV.SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN L.A.R.: 1 SOSAMMA VARGHESE THYPARAMBIL NEW HOUSE, MUTHOOR MURI, THIRUVALLA 2 SOUTHERUN RAILWAY ERNAKULAM REP. BY DEPUTY CHIEF ENGINEER, (CONSTRUCTIONS) 682 016 BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.P.K.SAJEEV, SC, RAILWAYS FOR R2 SRI.GIRISH KUMAR.V., CGC FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON

THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 8

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 5TH DAY OF DECEMBER 2023/14TH AGRAHAYANA,1945 LA.APP. NO. 105 OF 2016 AGAINST THE JUDGMENT AND DECREE DATED 19.08.2016 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN L.A.R.: 1 ELIZABETH OTTAPURACKAL VEEDU, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE, THIRUVALLA TALUK-689 101. 2 SOUTHERN RAILWAY ERNAKULAM REP. BY DEPUTY CHIEF ENGINEER, (CONSTRUCTIONS)-682 011. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.GIRISH KUMAR.V., CGC FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 9

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 113 OF 2016 AGAINST THE JUDGMENT AND DECREE DATED 19.08.2015 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN L.A.R.:

1	CHINNAMMA	SAMUEL
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VADAKKEDATHUPUTHENVEEDU,KIZHAKKAN
MUTHOOR,KUTTAPPUZHA VILLAGE,(POWER OF ATTORNEY
HOLDER OF GEORGE SAMUEL
GEORGE,VADAKKEDATHUPUTHENVEEDU,KIZHAKKAN
MUTHOOR,KUTTAPPUZHA VILLAGE - 689 101. 2 SOUTHERN
RAILWAY ERNAKULAM REP. BY DEPUTY CHIEF ENGINEER,
(CONSTRUCTIONS). 682 011. BY ADVS. SRI.RINNY STEPHEN
CHAMAPARAMPIL FOR R1 SRI.P.V.SANTHOSH JOSE, SC,
RAILWAYS FOR R2 LAA No.83 of 2016 & con cases 10 THIS LAND
ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON
05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: LAA No.83 of 2016 & con cases 11

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
5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO.
117 OF 2016 AGAINST THE JUDGMENT AND DECREE DATED
19.08.2015 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: STATE
OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR,
PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT
PLEADER RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN
L.A.R.: 1 DEVAKIKUTTIAMMA KOLATHU VEEDU,THALAVADY
VILLAGE, THIRUVALLA TALUK-689572. 2 SURESH KOLATHU
VEEDU,THALAVADY VILLAGE, THIRUVALLA TALUK-689572. 3
SOUTHERN RAILWAY ERNAKULAM REP. BY DEPUTY CHIEF
ENGINEER, (CONSTRUCTIONS)-682011. BY ADVS. SRI.RINNY
STEPHEN CHAMAPARAMPIL FOR R1 & R2 SRI.P.SANJAY, SC,
RAILWAYS FOR R3 LAA No.83 of 2016 & con cases 12 THIS LAND
ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON
05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED

CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 13

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 128 OF 2016 AGAINST THE JUDGMENT AND DECREE DATED 15.12.2015 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR,PATHANAMTHITTA. BY ADV GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN L.A.R.:

1	LOVEL	KUMAR
THOPPILAMALAYIL,CHUMATHRA.P.O,PUNNAKUNNAM		MURI,
KUTTAPPUZHA VILLAGE,THIRUVALLA-689101.	2	LOVELY
THOPPILAMALAYIL,CHUMATHRA.P.O,PUNNAKUNNAM		MURI,
KUTTAPPUZHA VILLAGE,THIRUVALLA-689101.	3	LATHIKA
MAPARAMPIL,MANJADI.P.O,THIRUVALLA,FROM THOPPIL MALAYI		
CHUMATHRA.P.O,PUNNAKUNNAM	MURI,	KUTTAPPUZHA
VILLAGE,THIRUVALLA-689101.	4	MALATHI
THOPPILAMALAYIL,CHUMATHRA.P.O,PUNNAKUNNAM		MURI,
KUTTAPPUZHA VILLAGE,THIRUVALLA-689101.		(DELETED)

LAA No.83 of 2016 & con cases 14

5 SOUTHERN RAILWAY ERNAKULAM REP. BY DEPUTY CHIEF ENGINEER, (CONSTRUCTIONS)-682011. NAME OF THE 4TH RESPONDENT IS DELETED FROM THE ARRAY OF PARTIES AND IT IS RECORDED THAT RESPONDENTS 1 TO 3 BEING THE LEGAL HEIRS OF THE 4TH RESPONDENT ARE ALREADY ON THE PARTY ARRAY VIDE ORDER DATED 26/7/16 IN IA 788/16. BY ADVS. SRI.P.C.ANIL KUMAR FOR R1 TO R3 SRI.C.V.MANUVILSAN FOR R1

TO R3 SMT.K.VIDYA FOR R1 TO R3 SRI.M.V.VIPINDAS FOR R1 TO R3 SRI.P.SANJAY, SC, RAILWAYS FOR R5 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR

ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 15

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 118 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN L.A.R.: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN L.A.R.: 1 SAROJINI KANJIRAMKALAYIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE - 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 SRI.K.S.PRENJITH KUMAR, CGC FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR LAA No.83 of 2016 & con cases 16 ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 17

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

5TH DAY OF DECEMBER 2023/14TH AGRAHAYANA,1945 LA.APP. NO. 128 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 A.R.SAJI AMBATTUKUNNIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE,PIN- 689 103. 2 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER, (CONSTRUCTIONS) PIN - 682 011. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.P.K.SAJEEV, SC, RAILWAYS FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 18

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 130 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 31.03.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 LIZY NADUVILEPARAMBIL, PUNNAKUNNAM MURI, KUTTAPUZHA VILLAGE-689103. 2 SUSAN NADUVILEPARAMBIL, PUNNAKUNNAM MURI, KUTTAPUZHA VILLAGE-689103. 3 JOYAMMA NADUVILEPARAMBIL, PUNNAKUNNAM MURI, KUTTAPUZHA VILLAGE-689103. 4 JESIAMMA NADUVILEPARAMBIL, PUNNAKUNNAM MURI, KUTTAPUZHA VILLAGE-689103. LAA No.83 of 2016 & con cases 19 5 SOUTHERN RAILWAY, ERNAKULAM

REPRESENTED BY THE DEPUTY CHIEF ENGINEER (CONSTRUCTIONS)-682011. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 TO R4 SRI.P.K.RAMKUMAR, SC, RAILWAYS FOR R5 SRI.K.S.PRENJITH KUMAR, CGC THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 20

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 131 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 SAJIMON AMBATTUKUNNIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE, PIN - 689 103. 2 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER(CONSTRUCTIONS) PIN - 682 016. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.P.K.RAMKUMAR, SC, RAILWAYS FOR R2 SRI.P.K.SAJEEV, SC, RAILWAYS FOR R2 SMT.MINI GOPINATH, CGC FOR R2 LAA No.83 of 2016 & con cases 21 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 22

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

5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 136 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA BY ADV.SRI.T.K.SHAJAHAN,SR. GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 ALEXANDER ABRAHAM CHAKKATTU, CHUMATHRA, KUTTAMPUZHA VILLAGE 689 2 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) 682 016 BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.S.KRISHNA, CGC FOR R2

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND LAA No.83 of 2016 & con cases 23 CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 24

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 138 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 31.03.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR: 1 VASU, THOPPILPURAYIDATHIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE, 689 103, 2 2 SOUTHERN RAILWAY, ERNAKULAM, REP. BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) 682016 BY ADV SRI.P.K.RAMKUMAR, SC, RAILWAYS THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 25

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 139 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 31.03.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR:

1 BALU PUTHENPURAYIL, PUNNAKKUNNAM MURI, KUTTAPPUZHA VILLAGE, 689 103. 2 SHYLAJA KUMARI PUNNAKKUNNAM MURI, KUTTAPPUZHA VILLAGE 689 103. 3 SOUTHERN RAILWAY ERNAKULAM, REP. BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS), 682 016. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 & R2 SRI.P.K.RAMKUMAR, SC, RAILWAYS FOR R3 SMT.MINI GOPINATH, CGC FOR R3

LAA No.83 of 2016 & con cases 26 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 27

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 142 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 31.03.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 THANKAMMA CHIRAPURATHU, PUNNAKUNNAM MURI,KUTTAPPUZHA VILLAGE. PIN 689 103 2 ANILKUMAR CHIRAPURATHU, PUNNAKUNNAM MURI,KUTTAPPUZHA VILLAGE. PIN 689 103 3 ANITHA CHIRAPURATHU, PUNNAKUNNAM MURI,KUTTAPPUZHA VILLAGE. PIN 689 103 4 ANILA CHIRAPURATHU, PUNNAKUNNAM MURI,KUTTAPPUZHA VILLAGE. PIN 689 103 LAA No.83 of 2016 & con cases 28 5 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY THE DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 TO R4 SRI.P.K.RAMKUMAR, SC, RAILWAYS FOR R5 SMT.MINI GOPINATH, CGC FOR R5 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 29

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 5TH DAY OF DECEMBER 2023/14TH AGRAHAYANA,1945 LA.APP. NO. 149 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 MANI SUSEELAN AMBATTUKUNNIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE. 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 SRI.GIRISH KUMAR V FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 30

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 156 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 MOHANAN PILLAI MOHANALAYAM, PUNNAKUNNAM MURI,KUTTAPPUZHA VILLAGE-689 103. 2 GEETHAMANI MOHANALAYAM, PUNNAKUNNAM MURI,KUTTAPPUZHA VILLAGE-689 103. 3 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER, (CONSTRUCTION)-682 016. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 TO R2 SHRI.C.DINESH, CGC FOR R3 LAA No.83 of 2016 & con cases 31 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 32

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 158 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 31.03.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR: 1 SASIDHARAN NAIR CHALAPPALLIL, PUNNAKUNNAM MURI,KUTTAPPUZHA VILLAGE. PIN-689 105. 2 SOUTHERN RAILWAY ERNAKULAM, REP. BY DEPUTY CHIEF ENGINEER, (CONSTRUCTIONS), PIN-682 016. BY ADVS. SRI.RINNY

STEPHEN CHAMAPARAMPIL FOR R1 SRI.S.CHANDRASENAN, SC, RAILWAYS FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 33

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 159 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR: 1 SAROJINI KANJIRAMKALAYIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE - 689 103. 2 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) 682 011. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.S.CHANDRASENAN, SC, RAILWAYS FOR R2 SRI.GIRISH KUMAR V, CGC FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR LAA No.83 of 2016 & con cases 34 ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 35

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 163 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 31.03.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE

DISTRICT COLLECTOR, PATHANAMTHITTA BY
ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER
RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 SUNIL
S/O.PAPPY, KOTTALIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE
689103 2 SHIBU KOTTALIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE
3 BIJU KOTTALIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE 4
SOUTHERN RAILWAY ERNAKULAM, REP. BY DEPUTY CHIEF ENGINEER
(CONSTRUCTIONS) 682011 LAA No.83 of 2016 & con cases 36 BY ADVS.
SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 TO R3 SRI.GIRISH KUMAR
V FOR R4 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR
ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA
No.83 of 2016 & con cases 37

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 5TH DAY OF
DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 167 OF 2017 AGAINST
THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST
RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE
DISTRICT COLLECTOR, PATHANAMTHITTA BY
ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER
RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 SAJIMON
AMBATTUKUNNIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE 689103 2
MEENAKSHI AMBATTUKUNNIL, PUNNAKUNNAM MURI, KUTTAPPUZHA
VILLAGE 689103 3 SURESH AMBATTUKUNNIL, PUNNAKUNNAM MURI,
KUTTAPPUZHA VILLAGE 689103 4 SUREKHA AMBATTUKUNNIL,
PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE 689103 LAA No.83 of 2016 &
con cases 38 5 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY
DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) 682016 BY ADVS.
SRI.IMTHIYAZ AHAMED M.S. SC FOR R5 SRI.P.K.RAMKUMAR, SC,
RAILWAYS FOR R5 SHRI.C.DINESH, CGC FOR R5 THIS LAND ACQUISITION

APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 39

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 170 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.03.2016 IN LAR APPELLANT/RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECOTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR:

1 K.O.MATHEW S/O. CHACKO OOMMEN, KANNYAKONIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE, 689 103. 2 SOUTHERN RAILWAY, ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS), 682016. BY ADVS. SRI.P.K.RAMKUMAR FOR R1 SMT.LIZAMMA AUGUSTINE, SC, RAILWAYS FOR R2 SRI.N.K.SUBRAMANIAN, SC, RAILWAYS FOR R2 SRI.VINU T.V. FOR R2

LAA No.83 of 2016 & con cases 40 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 41

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 173 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST

RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR: 1 LEELAMMA VANIYAPURACKAL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE, PIN-689 105 2 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER(CONSTRUCTIONS)-682016 BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.GIRISH KUMAR.V., CGC FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND LAA No.83 of 2016 & con cases 42 CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 43

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 174 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 P.N. NINAN PUTHUPPALLIL, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE 689101 2 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) 682011 BY ADV. SRI.K.SHRI HARI RAO, SC, RAILWAYS FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 44

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 201 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 31.08.2016 IN LAR APPELLANT/1ST RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR,PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN L.A.R.: 1 RAMESH KOVUR MALAYIL, PUNNAKUNNAM MURI,REPRESENTED BY POWER OF ATTORNEY HOLDER,KUNJUMOL, KOVUR MALAYIL, PUNNAKUNNAM MURI.686506. 2 KUNJUMOL KOVUR MALAYIL, PUNNAKUNNAM MURI.686506. 3 MANEESH KOVUR MALAYIL, PUNNAKUNNAM MURI,REPRESENTED BY POWER OF ATTORNEY HOLDER,KUNJUMOL, KOVUR MALAYIL, PUNNAKUNNAM MURI.686506. LAA No.83 of 2016 & con cases 45

4 JYOTHI KOVUR MALAYIL, PUNNAKUNNAM MURI,REPRESENTED BY POWER OF ATTORNEY HOLDER,KUNJUMOL, KOVUR MALAYIL, PUNNAKUNNAM MURI.686506. 5 CHITRA KOVUR MALAYIL, PUNNAKUNNAM MURI,REPRESENTED BY POWER OF ATTORNEY HOLDER,KUNJUMOL, KOVUR MALAYIL, PUNNAKUNNAM MURI.686506. 6 SALU KOVUR MALAYIL, PUNNAKUNNAM MURI,PUNNAKUNNAM MURI, REPRESENTED BY HIS POWER OF ATTORNEY HOLDER, KUNJUMOL, KOVUR MALAYIL,PUNNAKUNNAM MURI. 686506. 7 SOUTHERN RAILWAY REP. BY DEPUTY CHIEF ENGINEER,(CONSTRUCTIONS), ERNAKULAM. 682016. BY ADVS. SRI.T.P.PRADEEP FOR R1 TO R6 SRI.S.SREEDEV FOR R1 TO R6 SRI.C.DINESH FOR R7

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 46

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 5TH DAY OF
DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 203 OF 2017 AGAINST
THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST
RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE
DISTRICT COLLECTOR, PATHANAMTHITTA. BY
ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER
RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR:

1 BOSE THADATHIL, PUNNAKUNNAM MURI,KUTTAPPUZHA
VILLAGE, THIRUVALLA TALUK, PIN - 689 103. 2 SUJA THADATHIL,
PUNNAKUNNAM MURI,KUTTAPPUZHA VILLAGE, THIRUVALLA
TALUK, PIN - 689 103. 3 SOUTHERN RAILWAY ERNAKULAM,
REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS),
PIN - 682 016. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL
FOR R1 & R2 SRI.K.SHRI HARI RAO, SC, RAILWAYS FOR R3

LAA No.83 of 2016 & con cases 47 THIS LAND ACQUISITION APPEAL HAVING
COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: LAA No.83 of 2016 & con cases 48

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 5TH DAY OF
DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 206 OF 2017 AGAINST
THE JUDGMENT AND DECREE DATED 29.02.2016 IN LAR APPELLANT/1ST
RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE
DISTRICT COLLECTOR, PATHANAMTHITTA. BY
ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR:

1 MOHANAN PILLAI, MOHANALAYAM, PUNNAKUNNAM MURI,KUTTAPPUZHA VILLAGE - 689 103. 2 GEETHAMANI, MOHANALAYAM, PUNNAKUNNAM MURI,KUTTAPPUZHA VILLAGE - 689 103. 3 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) 682 011. BY ADVS. SRI.P.K.RAMKUMAR, SC, RAILWAYS FOR R3 SRI.GIRISH KUMAR V FOR R3 SHRI.C.DINESH, CGC FOR R3

LAA No.83 of 2016 & con cases 49 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 50

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 210 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.03.2016 IN LAR APPELLANT/RESPONDENT IN L.A.R.: STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT AND 2ND RESPONDENT IN L.A.R.:

1 MARIAMMA JOSEPH THUDALIPARAMBIL, KAVUMBHAGOM, KUTTAPPUZHA VILLAGE, THIRUVALLA TALUK - 689 103. 2 SOUTHERN RAILWAY ERNAKULAM, REP. BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) 682 001. BY ADVS. SRI.RINNY STEPHEN FOR R1 SRI.M.AYUB KHAN FOR R1 SRI.K.SHRI HARI RAO, SC, RAILWAYS FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR

ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND LAA No.83 of 2016 & con cases 51 CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 52

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 310 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2017 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 MARIAMMA JOHN PYNUMMOOTIL, KUTTA PUZHA 689103. 2 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS)682016. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SMT.LIZAMMA AUGUSTINE, SC, RAILWAYS FOR R2 SRI.C.DINESH, CGC FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 53

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 311 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2017 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR: 1 K.M.KURIAN

KAYYALAKAKATHU, PUNNAKUNNAM MURI, KUTTA PUZHA, 689 103. 2 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER(CONSTRUCTIONS) - 682 016. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 SRI.C.DINESH, CGC FOR R2 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 54

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 327 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2017 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR: 1 KUTTIYAMMA KOVOORPARAMPIL,PUNNAKUNNAM MURI MURI, KUTTAPPUZHA 689 103 2 VIDHI SOMAN KOVOORPARAMBIL, PUNNAKUNNAM MURI, KUTTAPPUZHA 3 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS) 682016 BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 & R2 SRI.P.V.SANTHOSH JOSE, SC, RAILWAYS FOR R3 LAA No.83 of 2016 & con cases 55 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 56

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 5TH DAY OF

DECEMBER 2023 / 14TH AGRAHAYANA, LA.APP. NO. 332 OF 2017 AGAINST THE JUDGMENT AND DECREE DATED 30.01.2017 IN LAR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA. BY ADV.SRI.T.K.SHAJAHAN,SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR: 1 BIJOY VARGHESE KURISUMMOOTIL, PUNNAKUNNAM MURI, KUTTAMPUZHA. 2 JACOB VARGHESE KURISUMMOOTIL, PUNNAKUNNAM MURI, KUTTAMPUZHA. 3 SOUTHERN RAILWAY ERNAKULAM, REPRESENTED BY DEPUTY CHIEF ENGINEER (CONSTRUCTIONS), 682016. BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL FOR R1 & R2 SRI.K.SHRI HARI RAO, SC, RAILWAYS FOR R3 LAA No.83 of 2016 & con cases 57 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ORDERS ON 05.12.2023, ALONG WITH LA.App..83/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: LAA No.83 of 2016 & con cases 58 P.B.SURESH KUMAR & JOHNSON JOHN, JJ. ----- L.A.A.Nos.83, 85, 90, 92, 100, 105, 113, 117 and 128 of 2016 and 118, 128, 130, 131, 136, 138, 139, 142, 149, 156, 158, 159, 163, 167, 170, 173, 174, 201, 203, 206, 210, 310, 311, 327 and 332 of 2017 ----- Dated this the 5th day of December, 2023

JUDGMENT

P.B.Suresh Kumar, J.

These appeals arise from the judgments/awards 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 LAA No.83 of 2016 & con cases 59 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. The Land Acquisition Officer classified the

acquired lands into six different categories for the purpose of acquisition, of which category I are dry lands having access from 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, category III are dry lands having access only through Railway puramboke or pathway but nearby to town area, and reclaimed land near town, category IV are dry lands having access from road, but situated away from town and in less developed area, and category V are reclaimed lands having access from railway puramboke or pathway situated away from town and in less developed area. The note to award prepared by the Land Acquisition Officer in connection with the acquisition reveals LAA No.83 of 2016 & con cases 60 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 and for the purpose of fixing the land value of the lands brought under Categories IV and V, the Land Acquisition Officer has taken into account the land value shown in Sale Deed No.1724/2008 of SRO, Thiruvalla. The note to award also reveals that the Land Acquisition Officer has made a comparison between the lands covered by the basis document and the acquired lands brought under Categories I, II and III 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, Category II at Rs.1,05,364/- per Are which is 10% above the land value shown in the basis document and Category III at Rs.78,048/- per Are which is 20% below the land value shown in the basis document. As far as the lands brought under Categories IV and V are concerned, the Land Acquisition Officer, after comparing the same with the LAA No.83 of 2016 & con cases 61 land covered by the basis document, fixed the land value for the lands brought under Category IV at Rs.85,561/- per Are and fixed the land value for the lands brought under Category V at Rs.74,866/- per Are. The lands involved in these appeals are

lands brought under Categories IV and V.

4. We have gone through meticulously the

judgments which are impugned in the appeals, and we find that they are not consistent insofar as the same relates to the land value of the acquired lands. That apart, we also find that the claimants in the proceedings have not adduced any useful evidence in support of their claim for enhanced land value. In the absence of any evidence, it is seen that the reference court in most of the cases has relied on a document, namely Sale Deed No.291/2009 on the basis of which enhanced land value has been granted by the reference court for the lands brought under Categories I, II and III. Having been confronted with such a situation, the learned counsel for the claimants submitted that the land value for the lands brought under Categories IV and V also can be fixed at par with the fixation of land value LAA No.83 of 2016 & con cases 62 made by this Court for lands brought under Categories I, II and III in terms of the judgment in L.A.A.No.147 of 2017 and connected cases, in the appeals preferred by the State against the awards in such cases.

5. It is seen that in terms of the judgment in

L.A.A.No.147 of 2017 and connected cases, in a batch appeals filed by the State against awards passed by the reference court in respect of lands acquired for the same purpose pursuant to the same notification, we have fixed the land value for the lands brought under Category I at Rs.6,22,650/- per Are, Category II at Rs.5,70,757/- per Are and Category III at Rs.4,15,100/- per Are. In the absence of any other material enabling the claimants to claim a better land value based on a different yardstick, we are of the view that inasmuch as the Land Acquisition Officer fixed the land value for all these lands after classifying the lands into different categories, the land value for the lands brought under Categories IV and V also can be fixed on the same yardstick followed by us in L.A.A.No.147 of 2017 and connected cases. LAA No.83 of 2016 & con cases 63

6. As noted, the land value was fixed by the Land

Acquisition Officer for the lands brought under Category III at Rs.78,048/- per Are and it was that amount that was enhanced and re-fixed by us at Rs.4,15,100/- per Are. If the land value for the lands brought under Category IV is fixed on that basis, the same would work out to be Rs.4,55,058/- per Are. Similarly, on the same yardstick, if the land value for the lands brought under Category V is calculated, the same would work out to be Rs.3,98,080/- per Are. Needless to say, all the appeals preferred by the State challenging the judgments in which the land value has been fixed over and above the fixation made by us are to be allowed in part and the appeals preferred by the State challenging the judgments in which the land value has been fixed below the fixation made by us are to be dismissed. It is seen that all the appeals except L.A.A.Nos.201 of 2017 and 128 of 2016 are cases where the land value has been fixed in the impugned judgments below the land value fixed by us. In other words, the said appeals are to be dismissed and all the remaining appeals are to be allowed in part. LAA No.83 of 2016 & con cases 64

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

under Category IV is fixed at Rs.4,55,058/- per Are and the land value for the lands brought under Category V is fixed at Rs.3,98,080/- per Are. L.A.A.Nos.201 of 2017 and 128 of 2016 are therefore dismissed and the remaining appeals are allowed in part. Interlocutory applications, if any, pending in these appeals are dismissed. Sd/- P.B.SURESH KUMAR, JUDGE. Sd/- JOHNSON JOHN, JUDGE.
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