

Jasmin vs State of Kerala

Jasmin vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1353042

Court : Kerala

Decided On : Mar-03-2023

Judge : Honourable Mr. Justice a.Muhamed Mustaque,Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : LA.App./762/2011

Appellant : Jasmin

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 RP NO. 119 OF 2023 AGAINST THE JUDGMENT AND DECREE IN LA.App.No.762/2011 DATED 04.04.2012 (AGAINST THE JUDGMENT AND DECREE PASSED BY THE ADDITIONAL SUB COURT, PARAVOOR IN LAR 60/2010 DATED 15/10/2011) ----- REVIEW PETITIONERS/SECOND RESPONDENT IN LAA & THIRD PARTY/SECOND RESPONDENT IN LAR & THIRTY PARTY: 1 THE DEPUTY INSPECTOR, GENERAL COMMANDANT, DHQ-4, COST

GUARD, KOCHI - 682001. 2 DEFENCE ESTATES OFFICE, COCHIN, MINISTRY OF DEFENCE, GOVERNMENT OF INDIA, JRWA/L-2/9, SREE KOUSTHUBHAM, JUSTICE LANE, JANATHA ROAD, VYTTILA, KOCHI-682019, REPRESENTED BY THE DEFENCE ESTATES OFFICER. BY ADV SHRI.M.N.MANMADAN, CGC RESPONDENTS/APPELLANT AND FIRST RESPONDENT IN LAA/CLAIMANT AND FIRST RESPONDENT IN LAR: 1 JASMIN, W/O.ALIAKBAR, PALLATHUKADAVIL HOUSE, THURAVUKARA CHOVARA VILLAGE, ALUVA TALUK, PIN - 683101. 2 STATE OF KERALA, REPRESENTED BY DISTRICT COLLECTOR, ERNAKULAM, PIN - 682030. BY SENIOR GOVERNMENT PLEADER, SMT.N.SUDHADEVI FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH LA.App.NO.14/2023, 349/2022 AND CONNECTED CASES, THE COURT ON 03.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 RP NO.886 OF 2021 AGAINST THE JUDGMENT DATED 21.1.2020 IN LA.App.NO.154/2019 ----- REVIEW PETITIONERS/RESPONDENTS 1 & 2: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, COLLECTORATE, KAKKANAD, ERNAKULAM, PIN-682 030. 2 EXECUTIVE ENGINEER, PWD (ROADS), ERNAKULAM, PIN-682 024. BY SPECIAL GOVERNMENT PLEADER, SMT.N.SUDHADEVI RESPONDENTS/APPELLANT & RESPONDENTS 3 & 4:

1 ABDUL KAREEM, S/O.KUNJU MOIDEEN, PALLATHUKADAVIL HOUSE, THURAVUKARA, CHOWARA VILLAGE, ALUVA TALUK, PIN-683 571. 2 INDIAN COAST GUARD, COAST GUARD AIR ENCLAVE, KOCHI, C/O.INS GARUDA, NAVAL BASE, KOCHI-682 004. 3

DEFENCE ESTATES OFFICE, ALAPPATT CROSS ROAD,
RAVIPURAM, KOCHI, PIN-682 015. BY ADVS. K.JAYAKUMAR (SR.)
FOR R1 C.P.WILSON FOR R1 ROSE MICHAEL FOR R1 DEPUTY
SOLICITOR GENERAL OF INDIA, SHRI S.MANU FOR R2 & R3

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
24.02.2023, ALONG WITH R.P.NO.119/2023 IN L.A.APP.NO.762/2011
AND CONNECTED CASES, THE COURT ON 03.03.2023 DELIVERED
THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED
MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA
ANNAMMA EAPEN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH
PHALGUNA, 1944 RP NO. 1058 OF 2022 AGAINST THE JUDGMENT
AND DECREE DATED 04.04.2022 IN LAA NO.762/2011

(AGAINST THE JUDGMENT AND DECREE DATED 15.10.2011 IN LAR
NO.60/2010 OF ADDITIONAL SUB COURT, NORTH PARAVUR)
REVIEW PETITIONER/ 1ST RESPONDENT IN LAA/1ST
RESPONDENT IN LAR: STATE OF KERALA REPRESENTED BY THE
DISTRICT COLLECTOR, ERNAKULAM, PIN - 682030. BY SPECIAL
GOVERNMENT PLEADER, SMT.N.SUDHADEVI
RESPONDENTS/APPELLANT/CLAIMANT & 2ND RESPONDENT IN
LAR: 1 JASMIN, W/O.ALIAKBAR, PALLATHUKADAVIIL HOUSE,
THURAVUKARA CHOVARA VILLAGE, ALUVA TALUK, PIN - 683101 2
THE DEPUTY INSPECTOR, GENERAL COMMANDANT, DH Q-4,
COST GUARD, KOCHI, PIN - 682001 DEPUTY SOLICITOR GENERAL
OF INDIA, SHRI S.MANU FOR R2 THIS REVIEW PETITION HAVING
BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH RP.119/2023 IN
L.A.APP.NO.762/2011 AND CONNECTED CASES, THE COURT ON
03.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 LA.APP.NO.137 OF 2020 AGAINST THE JUDGMENT AND DECREE DATED 30.09.2019 IN LAR NO.59/2010 OF ADDITIONAL SUB COURT, NORTH PARAVUR APPELLANT/CLAIMANT: M.G.PARMESWARAN NAIR, S/O.NARAYANAN NAIR (GOPALAN NAIR), MYSTIC BELLS VILLA NO.1, KANIYAMPUZHA ROAD, VYTTILA. BY ADVS. C.P.WILSON SMT.ROSE MICHAEL RESPONDENTS/RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY DIST.COLLECTOR, COLLECTORATE, KAKKANAD, ERNAKULAM, PIN-682030. 2 DEPUTY INSPECTOR GENERAL, COAST GUARD, DHQ NO.4, KOCHI-682001. 3 DEFENCE ESTATES OFFICE, ALAPATT CROSS ROAD, RAVIPURAM, KOCHI-682015. DEPUTY SOLICITOR GENERAL OF INDIA, SHRI S.MANU FOR R2 & R3 BY SPECIAL GOVERNMENT PLEADER, SMT.N.SUDHADEVI FOR R1 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH R.P.NO.119/2023 IN L.A.APP.NO.762/2011 AND CONNECTED CASES, THE COURT ON 03.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 LA.APP.NO.349 OF 2022 AGAINST THE JUDGMENT AND DECREE DATED 30.09.2019 IN LAR NO.6/2011 OF ADDITIONAL SUB COURT, NORTH PARAVUR ----- APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, COLLECTORATE, KAKKANAD, ERNAKULAM, PIN - 682030. BY SPECIAL GOVERNMENT PLEADER,

SMT.N.SUDHADEVI RESPONDENTS/CLAIMANT & 2ND
RESPONDENT IN LAR: 1 P.K.KUNJU MARAKKAR, S/O.KUNJU
MOIDEEN, PALLATHUKADAVIL HOUSE, JAWAN CROSS ROAD,
ELAMMAKKARA, PONNEKARA P.O., KOCHI-26 ADDRESS OF R1
CORRECTED AS "DR. P.K KUNJU MARAKKAR, S/O.KUNJU
MOIDEEN, PALLATHUKADAVIL HOUSE, HOUSE NO.1/80C,

**THURAVUMKARA, PIN-683 575, MOB: 9846710402" AS PER
ORDER**

DATED 24.08.2022 IN LAA 349/2022 & I.A.NO.2/2022. 2 THE COMMANDER,
INDIAN COAST GUARD(R.A) COAST GUARD AIR ENCLAVE, KOCHI, C/O.INS
GARUDA, NAVAL BASE, KOCHI, PIN - 682004. (*)3 DEFENCE ESTATE
OFFICER, O/O. DEO COCHIN, JRWA/L-2/9, SREE KOUSTHUBHAM, JUSTICE
LANE, JANATHA ROAD, VYTTILA, KOCHI- 682019.

**(IS IMPEADED AS ADDITIONAL THIRD RESPONDENT VIDE
ORDER**

DATED 3.3.2023 IN I.A.NO.1/2023) LA.APP.NO.349 OF 2022 -2- BY ADVS.
DEPUTY SOLICITOR GENERAL OF INDIA, SHRI S.MANU FOR ADDL.R3
MICHAEL PAUL CHITTINAPPILLY FOR R1 C.P.WILSON FOR R1 ROSE
MICHAEL FOR R1 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY
HEARD ON 24.02.2023, ALONG WITH R.P.NO.119/2023 IN
L.A.APP.NO.762/2011 AND CONNECTED CASES, THE COURT ON 03.03.2023
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE
HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD
DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 LA.APP.NO.454 OF 2022
AGAINST THE JUDGMENT AND DECREE DATED 28.11.2019 IN LAR
NO.5/2011 OF ADDITIONAL SUB COURT, NORTH PARAVUR APPELLANT/1ST

RESPONDENT IN LAR: THE STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, COLLECTORATE, KAKKANAD, ERNAKULAM, PIN - 682030 BY SPECIAL GOVERNMENT PLEADER, SMT.N.SUDHADEVI RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR:

1 SREENI PARAMESWARAN, DIRECTOR, M/S.SHAWAS HOMES PVT.LTD., MYSTIC BELLS, VILLA NO.1, KANIYAMPUZHA ROAD, VYTTILA, ERNAKULAM, PIN - 682019. 2 THE COMMANDER, INDIAN COAST GUARD, COAST GUARD AIR ENCLAVE, KOCHI, C/O.INS GARUDA, NAVAL BASE, KOCHI - 682004. (*)3 DEFENCE ESTATE OFFICER, O/O. DEO COCHIN, JRWA/L-2/9, SREE KOUSTHUBHAM, JUSTICE LANE, JANATHA ROAD, VYTTILA, KOCHI - 682 019

(IS IMPLEADED AS THE ADDITIONAL 3RD RESPONDENT AS PER ORDER

DATED 02/11/2022 IN I.A.NO.2/2022) LA.APP.NO.454 OF 2022 -2- BY ADVS. K.JAYAKUMAR (SR.) C.P.WILSON FOR R1 ROSE MICHAEL FOR R1 MICHAEL PAUL CHITTINAPPILLY FOR R1 DEPUTY SOLICITOR GENERAL OF INDIA, SHRI S.MANU FOR R2 AND ADDL. R3 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH RP.119/2023 IN L.A.APP.NO.762/2011 AND CONNECTED CASES, THE COURT ON 03.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 LA.APP. NO. 458 OF 2022 AGAINST THE JUDGMENT AND DECREE DATED 29.06.2019 IN LAR NO.73/2010 OF ADDITIONAL SUB COURT, NORTH PARAVUR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, COLLECTORATE, KAKKANAD, ERNAKULAM, PIN - 682030 BY SPECIAL GOVERNMENT

PLEADER, SMT.N.SUDHADEVI RESPONDENTS/CLAIMANT & 2ND RESPONDENT AND ADDITIONAL 3RD RESPONDENT IN LAR:

1 SHEELA PUSHPAKARAN, W/O.PUSHPAKARAN PARAMBATTUKUDY HOUSE, NAYATHOD P.O., ANGAMALY, PIN - 683572. 2 DEPUTY INSPECTOR GENERAL, DISTRICT COMMANDANT, COAST GUARD, KOCHI, PIN - 682001. 3 DEFENCE ESTATES OFFICER, DEFENCE ESTATES OFFICE, ALAPPATT CROSS ROAD, RAVIPURAM, KOCHI - 682015. BY ADVS. MICHAEL PAUL CHITTINAPPILLY FOR R1 C.P.WILSON FOR R1 ROSE MICHAEL FOR R1 R.PRASANTH KUMAR FOR R2 AND R3

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH R.P.NO.119/2023 IN L.A.APP.NO.762/2011 AND CONNECTED CASES, THE COURT ON 03.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 LA.APP.NO.476 OF 2022 AGAINST THE JUDGMENT AND DECREE DATED 30.09.2019 IN LAR NO.4/2011 OF ADDITIONAL SUB COURT, NORTH PARAVUR APPELLANT/1ST RESPONDENT IN LAR: THE STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, COLLECTORATE, KAKKANAD, ERANAKULAM, PIN - 682030. BY SPECIAL GOVERNMENT PLEADER, SMT.N.SUDHADEVI RESPONDENTS/CLAIMANT & 2ND RESPONDENT AND ADDITIONAL 3RD RESPONDENT IN LAR:

1 ALI AKBAR, S/O. KUNJU MOIDEEN, PALLATHUKADAVIL HOUSE, THURAVUMKARA, PIN - 683575 2 THE COMMANDER, INDIAN COAST GUARD (R.A), COAST GUARD AIR ENCLAVE, KOCHI,

C/O.INS GARUDA, NAVAL BASE, KOCHI, PIN - 682004. 3 DEFENCE ESTATES OFFICE, ALAPPATT CROSS ROAD, RAVIPURAM, KOCHI - 682015. BY ADVS. C.P.WILSON FOR R1 MICHAEL PAUL CHITTINAPPILLY FOR R1 ROSE MICHAEL FOR R1

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH R.P.NO.119/2023 IN L.A.APP.NO.762/2011 AND CONNECTED CASES, THE COURT ON 03.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 LA.APP.NO.581 OF 2022 AGAINST THE JUDGMENT AND DECREE DATED 29.06.2019 IN LAR NO.73/2010 OF ADDITIONAL SUB COURT, NORTH PARAVUR APPELLANTS/RESPONDENTS 2 AND 3:

1 THE DEPUTY INSPECTOR GENERAL, DISTRICT COMMANDER (MISTAKENLY SHOWN AS COMMANDANT), DHQ-4, COST GUARD, KOCHI - 682001. 2 DEFENCE ESTATE OFFICER, DEFENCE ESTATE OFFICE, ALAPPAT CROSS ROAD, RAVIPURAM, KOCHI-682015, PRESENT ADDRESS JRWA/L- 2/9, SREE KOUSTHUBHAM, JUSTICE LANE, JANATHA ROAD, VYTTILA, KOCHI - 682019. BY ADV SHRI.M.N.MANMADAN, CGC

RESPONDENTS/CLAIMANT AND FIRST RESPONDENT IN LAR NO.73/2010: 1 SHEELA PUSHPAKARAN, W/O.PUSHPAKARAN, PARAMBATTUKUDY HOUSE, NAYATHOD.P.O., ANGAMALY, PIN - 683572. 2 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM, PIN - 682030. BY SPECIAL GOVERNMENT PLEADER, SMT.N.SUDHADEVI FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH R.P.NO.119/2023 IN L.A.APP.NO.762/2011 AND CONNECTED

CASES, THE COURT ON 03.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 LA.APP. NO. 593 OF 2022 AGAINST THE JUDGMENT AND DECREE DATED 30.09.2019 IN LAR NO.6/2011 OF ADDITIONAL SUB COURT, NORTH PARAVUR APPELLANTS/SECOND RESPONDENT IN LAR & THIRD PARTY:

1 THE COMMANDER, INDIAN COAST GUARD (RA), COAST GUARD AIR ENCLAVE, KOCHI, C/O.INS GARUDA, NAVAL BASE, KOCHI- 682004, PRESENT ADDRESS DHQ-4, KOCHI, PIN - 682001. 2 DEFENCE ESTATES OFFICE, COCHIN, MINISTRY OF DEFENCE, GOVERNMENT OF INDIA, JRWA/L-2/9, SREE KOUSTHUBHAM, JUSTICE LANE, JANATHA ROAD, VYTTILA, KOCHI- 682019, REPRESENTED BY THE DEFENCE ESTATE OFFICER. BY ADV SHRI.M.N.MANMADAN, CGC

RESPONDENTS/CLAIMANT AND FIRST RESPONDENT IN LAR: 1 DR.P.K.KUNJU MARAKKAR, S/O.KUNJU MOIDEEN, PALLATHUKADAVIL HOUSE, JAWAN CROSS ROAD, ELAMAKKARA, PONNEKKARA.P.O., KOCHI - 682026. 2 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM, PIN - 682030 BY SPECIAL GOVERNMENT PLEADER, SMT.N.SUDHADEVI FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH R.P.NO.119/2023 IN L.A.APP.NO.762/2011 AND CONNECTED CASES, THE COURT ON 03.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD

DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 LA.APP. NO.14 OF 2023 AGAINST THE JUDGMENT & DECREE DATED 06.08.2012 IN LAR NO.3/2011 OF ADDITIONAL SUB COURT, NORTH PARAVUR APPELLANTS/SECOND RESPONDENT IN LAR & THIRD PARTY: 1 THE COMMANDER, COAST GUARD, COAST GUARD AIR ENCLAVE, DHQ- 4, KOCHI, PIN - 682001. 2 DEFENCE ESTATE OFFICE, COCHIN, MINISTRY OF DEFENCE, GOVERNMENT OF INDIA, JRWA/L-2/9, SREE KOUSTHUBHAM, JUSTICE LANE, JANATHA ROAD, VYTTILA, KOCHI - 682019, REPRESENTED BY THE DEFENCE ESTATE OFFICER BY ADV SHRI.M.N.MANMADAN, CGC RESPONDENTS/CLAIMANT AND FIRST RESPONDENT IN LAR: 1 ABDUL KAREEM, S/O.KUNJUMOIDEEN, PALLATHUKADAVIL, THURAVUMKARA, KOCHI - 682575. 2 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM, PIN - 682030 BY SPECIAL GOVERNMENT PLEADER, SMT.N.SUDHADEVI FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH R.P.NO.119/2023 IN L.A.APP.NO.762/2011 AND CONNECTED CASES, THE COURT ON 03.03.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 LA.APP.NO.23 OF 2023 AGAINST THE JUDGMENT AND DECREE DATED 30.09.2019 IN LAR NO.4/2011 OF ADDITIONAL SUB COURT, NORTH PARAVUR ----- APPELLANTS/RESPONDENTS 2 AND 3 IN LAR NO.4/2011:

1 THE COMMANDER, INDIAN COAST GUARD (RA) COAST GUARD AIR ENCLAVE, KOCHI, C/O.INS GARUDA, NAVAL BASE, KOCHI - 682004, PRESENT ADDRESS DHQ-4, KOCHI, PIN - 682001 2 DEFENCE ESTATE OFFICE, ALAPPAT CROSS ROAD, RAVIPURAM, KOCHI - 682015 PRESENT ADDRESS JRWA/L- 2/9, SREE KOUSTHUBHAM, JUSTICE LANE, JANATHA ROAD, VYTTILA, KOCHI

- 682019, REPRESENTED BY DEFENCE ESTATE OFFICER. BY ADV
SHRI.M.N.MANMADAN, CGC

RESPONDENTS/CLAIMANT AND FIRST RESPONDENT IN LAR NO.4/2011: 1
A.ALI AKBAR, S/O.KUNJU MOIDEEN, PALLATHUKADAVIL HOUSE,
THURAVUMKARA, KOCHI, PIN - 682575. 2 STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR, COLLECTORATE, ERNAKULAM -
682030. BY SPECIAL GOVERNMENT PLEADER, SMT.N.SUDHADEVI FOR R2
THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON
24.02.2023, ALONG WITH R.P.NO.119/2023 IN L.A.APP.NO.762/2011 AND
CONNECTED CASES, THE COURT ON 03.03.2023 DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE
HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN FRIDAY, THE 3RD
DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 LA.APP.NO.50 OF 2023
AGAINST THE JUDGMENT AND DECREE DATED 28.11.2019 IN LAR
NO.5/2011 OF ADDITIONAL SUB COURT, NORTH PARAVUR -----
APPELLANTS/SECOND RESPONDENT IN LAR & THIRD PARTY

1 THE COMMANDER, INDIAN COAST GUARD, COAST GUARD AIR
ENCLAVE, KOCHI, C/O.INS GARUDA, NAVAL BASE, KOCHI - 682
004, PRESENT ADDRESS DHQ-4, KOCHI, PIN - 682001 2 DEFENCE
ESTATE OFFICE, COCHIN, MINISTRY OF DEFENCE, GOVERNMENT
OF INDIA, JRWA/L-2/9, SREE KOUSTHUBHAM, JUSTICE LANE,
JANATHA ROAD, VYTTILA, KOCHI - 682019, REPRESENTED BY THE
DEFENCE ESTATE OFFICER. BY CGC ADV K.R.RAJKUMAR

RESPONDENTS/CLAIMANT AND FIRST RESPONDENT IN LAR: 1 SREENI
PARAMESWARAN, DIRECTOR, M/S.SHAWS HOMES PVT. LTD, MYSTIC
BELLS, VILLA NO.1, KANIYAMPUZHA ROAD, VYTTILA, ERNAKULAM, PIN -
682019. 2 STATE OF KERALA, REPRESENTED BY THE DISTRICT

COLLECTOR, ERNAKULAM, PIN - 682030. BY SPECIAL GOVERNMENT PLEADER, SMT.N.SUDHADEVI FOR R2 THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24.02.2023, ALONG WITH R.P.NO.119/2023 IN L.A.APP.NO.762/2011 AND CONNECTED CASES, THE COURT ON 03.03.2023 DELIVERED THE FOLLOWING: C.R. A.MUHAMED MUSTAQUE & SHOBA ANNAMMA EAPEN, JJ. -----
R.P.No.119/2023 in L.A.App.No.762/2011 R.P.No.886/2021 in L.A.App.No.154/2019 R.P.No.1058/2022 in L.A.App.No.762/2011 L.A.App.Nos. 137/2020, 349/2022, ----- Dated this the 3rd day of March, 2023

J U D G M E N T

A.Muhamed Mustaque, J.

A knave does not escape liability because he is dealing with a fool(1)

2. Can a person benefit out of the ignorance of

the deceived in proceedings for land acquisition? 1Gould v. Vaggelas (1985) 157 CLR 215, 252 -:2:- These land acquisition matters reveal fraud committed on the Court of first instance in land acquisition reference to claim enhanced compensation based on created documents.

3. These review petitions as well as appeals are pertaining to land acquisition reference under Section 18 of Land Acquisition Act, 1894 on the file of Sub Court, North Paravur.

4. We shall advert to the bare facts based on

chronology for easy reference. 4.i. The purpose of acquisition: Setting up of Coast Guard Air Enclave under the Ministry of Defence and Airport Authority of India. 4.ii. Acquisition Authority - The State Government. 4.iii. Requisition Authority - The Defence Estate Office, Kochi. -:3:- 4.iv. On 7/7/2007 - Sreeni Parameswaran, on behalf of Shwas Homes Pvt. Ltd., purchased property in Chowara Village having an extent of 382.160 and 1.829 cents, separately, from one Nabeesa and others.

Consideration was shown as Rs.64,658/- and Rs.67,568/- per Are respectively.
4.v. On 5/9/2007: M/s.Shwas Homes Pvt. Ltd. executed a sale deed in favour of Sathish S. Menon conveying 7 cents of land for consideration of Rs.6,16,198/- per Are. Sreeni Parameswaran is the Managing Director of M/s.Shwas Homes Pvt. Ltd.

4.vi. On 3/10/2007 - M/s.Shwas Homes Pvt.

4.vii. On 29/4/2009: Sathish S.Menon executed a sale deed in favour of Shri M.G.Parameswaran Nair, who is the father of Sreeni Parameswaran of the :-4:- property purchased by him on 5/9/2007 for a consideration of Rs.6,19,718/- per Are. 4.viii. On 31/8/2009 - Issuance of 4(1) notification under the Land Acquisition Act, 1894. 4.ix. Subject of Land Acquisition: 383.87 Ares of land in Chowara Village, Ernakulam District.

5. In view of the fact that there are more related cases arising out of different awards in these matters, for easy reference, we describe the exhibits considered by the Court as follows:

5.i. Documents executed on 7/7/2007 by Nabeesa and others in favour of Shwas Home Pvt. Ltd as, Annexures L1 and L2. (marked as B8 and B9 in L.A.R. No. 59/2010 - L.A.App.No.137/2020) 5.ii. Document executed by M/s.Shwas Homes Pvt. Ltd. on 5/9/2007 in favour of Satish Menon as L3. (marked as B10 in L.A.R. No. 59/2010 - L.A.App.No. 137/2020). :-5:- 5.iii. Document executed by Satish Menon on (marked as B11 in L.A.R. No. 59/2010 - L.A.App.No.

6. The facts as above without much probe would

establish that Sreeni Parameswaran, in anticipation of acquisition of the land, created documents and made transactions to make it appear that those transactions are genuine transactions. By L1 and L2 documents, on 7/7/2007 Sreeni Parameswaran purchased the property from Nabeesa and others showing consideration at the rate of Rs.64,568/- and Rs.67,568/- per Are. Admittedly, two months after purchase, he sold 7 cents of land in favour of Satish Menon at an astronomical escalation of consideration showing rate of Rs.6,16,198/- per Are by document L3. Sreeni Parameswaran was aware of the proposed acquisition as

evident from W.P.(C).No.29363/2007 filed by him on 3/10/2007. -:6:-

7. Section 4(1) notification was issued on Menon executed L4 document on 29/4/2009 in favour of M.G.Parameswaran Nair, father of Sreeni Parameswaran. Document L3 has been thrust into evidence to claim enhanced amounts. Execution of L4 was never brought to the notice of the court. The alleged fraud in these matters will have to be considered in the backdrop of the above transactions.

8. One Jasmine, W/o.Ali Akbar is the claimant in L.A.R. No. 60/2010 on the file of Sub Court, Paravur. Her husband Ali Akbar was one of the writ

petitioners and along with Sreeni Para

value of the land acquired from Jasmine was fixed by the land acquisition officer at Rs.2,59,746/- per Are. -:7:-

9. The reference court, placing reliance on

Ext.L3 (which was marked as Ext.A5

award, approached this Court in appeal. This Court enhanced compensation to Rs.8,30,000/- per Are. This Court, particularly noted the subsequent

judgment in L.A.R. No. 59/10 wherein the reference

court relying on Ext.L3, granted compensation at

Rs.6,16,197/- per Are. Though a feeble attemptha

accept market value of Rs.12 lakhs per Are fixed in that document towards consideration. State filed a review contending that Ext.L3 (Ext.A5) was infact a transaction between two persons whose property would be affected by that transaction and therefore, it cannot be relied upon. According to the State, it was created for the purpose of -:8:-

claiming enhanced compensation. The Division Bench refused to review the matter. Accordingly, it was dismissed on 23/9/2015. The second review filed by the

State is before us again seeking review of the earlier judgment and this review is numbered as R.P.No.1058/2022. The requisitioning authority, Coast Guard also filed review as R.P.No.119/2023. Though these cases have been numbered as review petition, the prayers and the grounds urged would show that the reliefs as such are raised to recall the judgment alleging fraud. Therefore, the following points arise for consideration in these matters: 9.i. Whether the second review filed by the State and the review filed by the requisitioning authority are maintainable. 9.ii. Is the appellate court competent to recall a

judgment of the reference court on the ground of

-:9:- fraud without relegating parties to court of first instance. 9.iii. Do admitted facts before this Court based on the documents produced before the court below constitute fraud or not. 9.iv. The common issue to be decided in all other cases as to the just fair compensation payable. Point Nos.i & ii.:

10. We are dealing with a case alleging fraud against the proceedings of the Court. Fraud

against the party and fraud against the proceedings of the court have to be distinguished contextually relating to judicial proceedings. In adversarial litigation, a document may be created to deceive a person to gain in such a litigation. Is it possible for a party who has the fullest

opportunity to discredit or impeach such a document, to recall a judgment alleging fraud? We -:10:- may have to answer it negatively. As seen from Section 17 of the Indian Contract Act, 1872 there are three essential elements, namely, false representation, intention to deceive and ignorance of the deceived on the falsity of the false representation. If the deceived had the opportunity to challenge a document created with fraudulent intention in legal proceedings of adversarial nature, the proceedings of the court

which concluded by the judgment cannot be impeached alleging fraud. The Patna High Court as early as in 1923 in *Sadho Saran Rat v. Anant Rai* [ILR (1923) 2 Pat 731] alluded to the distinction between fraud upon the party and fraud upon the

Court and opined that as against fraud on the party, the remedy of the injured party is to institute a suit to set aside the decree on the ground of fraud. It is further opined that the court has inherent power to set aside an order if fraud was committed upon the Court. -:11:-

11. The proceedings in Land acquisition reference cannot be equated to adversarial litigation. The

reference under Section 18 of Land Acquisition Act, 1994 is for determination of the true market value of the property acquired. The inquiry to be conducted by the reference court is more in the nature of an inquisitorial inquiry. A Division Bench of Calcutta High Court in Smt.Arati Das v. Collector, Land Acquisition (2014 SCC Online Cal 22711) opined that reference court stands in the nature of plaintiff in a civil suit and proceedings before such court are more inquisitorial than adversarial. In all cases based on reference, the Court is acting on registered deeds on the faith that the document is genuine and the Court is induced to act upon such document. The State and the requisitioning authority are attempting to recall the judgment by styling the petitions as review on the ground of fraud after the disposal of the appeal and -:12:-

dismissal of the earlier review filed

original proceedings. The appellate court also has necessary power to exercise all the power that could have been exercised by the court of first instance. In order to recall the judgment of the first appellate court or first court, it must be shown that fraud has been practiced on the court.

12. In Corpus Juris Secundum Vol.49 paras 305 and 309 it is stated as follows in regard to fraud on Court especially on Courts of record:

305. Courts of record or of general jurisdiction have inherent power to vacate or set aside their own judgments.

309. Fraud or collusion in obtaining judgment is a

sufficient ground for opening or vacating it, even after the term at which it was rendered, provided the fraud was extrinsic and collateral to the matter tried and not a matter actually or potentially in issue in the action. -:13:- The fact that a judgment was obtained through fraud or

collusion is generally held to constitute a sufficient reason for opening or vacating such judgment either during or after the term at which it was rendered. Some statutes or rules of court confer power on the courts to vacate, or grant relief from, judgments on the ground of fraud and to regulate its exercise, although generally courts of record possess an inherent common-law power in this behalf, which is not dependent on legislation, but which is limited. However, inferior courts not of record do not possess this power, unless it is conferred by statute. A single finding of misrepresentation or concealment rising to the level of fraud is a sufficient basis upon which to set aside a

judgment.

Nature of fraud required. While some authority has held or assumed for the purpose of the decision that a judgment should be vacated for fraud or deceit practiced by one party on the other in regard to the cause of action, the authority to grant relief from, or set aside, judgments for fraud usually is limited to cases where the fraud complained of was practiced in the very act of obtaining the judgment, and all cases of fraud which might have been used as a defense to defeat the action are excluded; the fraud must be extrinsic and collateral to the matter tried, and not a matter which was actually or potentially in issue in the action, unless the interposition of such defense was prevented by fraud, accident, or the act of the opposite party without fault or blame on his own part. -:14:-

13. In Chapter VII, Kerr on the law of Fraud and Mistake, 7th Edn., discussed judgment obtained by fraud as follows: A judgment or decree obtained by fraud upon a Court

does not bind such Court or any other, and its nullity upon this ground, though it has not been set aside or reversed, before the Judicature Acts could be alleged in a collateral proceeding (a). "Fraud", said De Grey, C.J., "is an intrinsic, collateral

act, which vitiates the most solemn proceedings of courts of justice. Lord Coke says it avoids all judicial acts ecclesiastical and temporal" (b). In

applying this rule, it matters not whether the judgment

impugned has been pronounced by an inferior or by the highest Court of judicature in the realm, but in all cases alike it is competent for every Court, whether superior or inferior, to treat as a nullity any judgment which can be clearly shown to have been obtained by manifest fraud(c), discovered after the judgment(d).

14. Fraud on proceedings of the court results in miscarriage of justice. The courts are established to administer justice. If a party to a litigation commits fraud on the court, no doubt, the court is

possessed of inherent power to recall the judgment

to uphold justice. A judgment obtained by fraud is -:15:-

not a judgment at all in the eyes of law. It is for that reason the remedy of a party so deceived is to seek recalling of the judgment rather than seeking review of the judgment. The same is the case where the appellate court deals with matters relating to fraud committed on the court of first instance. It is not necessary that the appeal has

to be filed by an injured party who has

court of first instance or trial court even if no appeal is preferred by the injured person on being satisfied that fraud has been practiced on the court to obtain judgment. Law equally recognizes collateral attack on a judgment alleging fraud. The judgment obtained by fraud therefore, can be impeached at any level of proceedings, if the court dealing with such matter is able to form an opinion that fraud has been practiced on court to obtain favorable judgment. In S.P. Chengalvaraya -:16:- Naidu v. Jagannath and Others [1993 KHC 182], the Apex court opined that it is a settled proposition of law that a judgment or decree obtained by playing fraud on the court is nullity and non est in the eyes of law. Such a judgment or

decree- by the first court or by th

supplied). It can be challenged in any court even in collateral proceedings. The Apex Court also in Hamza Haji v. State of Kerala and Another [2006 KHC 1248] upheld a judgment of this court declaring that the decree of a Forest Tribunal affirmed by a division bench was obtained by fraud in an original petition filed under Article 226 of the constitution. In Lazarus Estate Ltd. v. Beasley [1956 (1) QB 702], Lord Denning observed at pages 712 & 713, No judgment of a Court, no

order of a Minister can be allowed to stand if it

has been obtained by fraud. Fraud unravels -:17:- everything. In the same judgment Lord Parker LJ observed that, fraud vitiates all transactions known to the law of however high a degree of solemnity. Likewise there is no limitation period to recall a judgment obtained by fraud. In Canada v. Granite Inc [(2008) 302 DLR (4th) 40] wherein the Ontario Superior Court said that the failure to exercise due diligence, where fraud might otherwise have been discovered, is not enough to sustain a judgment which resulted from that fraud. This for the reasons that on both law and equity, fraud and justice cannot dwell together. The

judgment obtained by playing fraud on court is

null and void. However while conducting enquiry as to the alleged fraud, the court will have to advert to the distinction between fraud on party and fraud as against the court. A document produced in a court is a piece of evidence. In normal adversarial litigation, if a litigant produces a fabricated or fraudulent document, the -:18:-

judgment rendered by relying on such a document

cannot be recalled as there is no fraud committed on the court. In such cases it can be described that the decree was obtained by perjured evidence. In those circumstances, it cannot be said that the court was misled. The remedy of the injured party in such a situation is to challenge the decree by a separate suit on any sustainable reasons. As we observed earlier, reference under Section 18 of

the Land Acquisition Act and determination of market value and compensation cannot be equated with proceedings in adversarial litigation. The litigant in land acquisition reference when makes

a false representation before a court

of falsity of such representation, is said to have committed fraud on court. The document produced before a reference court to claim enhanced -:19:- compensation cannot be equated with production of

a document in civil suit establishing

essentially is to mislead the court. It is a fraud committed on court. Therefore, there is no difficulty for the reference court or the appellate court to recall the judgment.

15. The State as well as the requisitioning authority have come up before this Court with review petitions. There is no nomenclature assigned by the Registry to recall a judgment. The Court, while exercising inherent power to recall the judgment actually is not reviewing the

judgment based on the review powers of the Court.

It is not necessary that any formal petition is required to recall a judgment rendered on fraud committed on the Court. The Court in such circumstances declares that the judgment rendered has no legal sanctity and no right or obligation -:20:- is created on such parties based on such judgment. In a given circumstance, if the Court is able to form an opinion that fraud has been committed on the Court, the Court invoking inherent powers, is entitled to recall the judgment. Thus, the objection that the second review by the Government is not maintainable is not a defense to prevent the Court from recalling that judgment. Point No.iii.:

16. R.P.No.1058/2022 and R.P.No.119/2023: The point related to fraud will be adverted to with the lead case in this matter, the review filed by

the State and the requisitioning authority

land involved in the land acquisition. Jasmine was the claimant in L.A.R.No.60/2010. The L3 document -:21:- was relied on by the Court. It is to be noted that

this matter was separately tried. The

Rs.5,13,700/- per Are to Jasmine based on L3. It is noted that L3 property was only 75 meters from the acquired property. The reference court noting that the land covered by L3 is a small extent, reduced 30% of the market value of the land in L3 and reckoned land acquired from Jasmine as Rs.5,13,700/-. This Court in appeal placed reliance on L3 and noting that it is only a plot in the proposed Villa project and the acquired property is enjoying PWD road frontage, enhanced the land value at Rs.8,30,000 per Are. 16.i. L3 document created an impression that it was a genuine document. No one produced L4 document before the Court. If L3 and L4 documents are considered together, it can be seen that these -:22:- documents were created only for the purpose of claiming enhanced compensation from the Court. Sreeni Parameswaran conveyed the property covered by L3 to Satish Menon at an inflated rate to stake a high rate of land value in anticipation of land

acquisition. Thereafter, Satish Menon reconveyed the property in the name of Sreeni Parameswarans father by L4. L4 document clearly establishes that L3 was created for the purpose of raising claim in land acquisition for higher value of the land. In normal circumstances, no Court would doubt such transaction and would be induced to believe that it is a genuine transaction. The vast difference of consideration shown in L1, L2 and L3 indicates

that this was created for the purpose of land acquisition claims. L4 reconveyance of land in the name of Sreeni Parameswarans father establishes that L3 was not a genuine transaction. The modus operandi used in this case is self-evident. Jasmynes case was singled out for trial and L3 -:23:- was pressed in evidence to make it appear that the transaction related to L3 is unconnected to Jasmine. Jasmynes husband Ali Akbar along with Sreeni Parameswaran was one of the petitioners

before this Court challenging land acquisition. Fraud not only vitiates all acts of the parties to the fraud but also the acts of beneficiaries of

the fraud. The beneficiary cannot pretend ignorance of fraud committed by another and enjoy the fruits of the fraud. Once an act is found out to be fraud, all that flowed from that act must fail. Thus, Jasmine cannot take advantage of the fraud committed by Sreeni Parameswaran. In such circumstances, the judgment in L.A.App.No.762/2011 is liable to be recalled. The reference court had

also fixed land value at Rs.5,13,700/- placing reliance on L3. Since we hold that L3 is a created document to commit fraud on the Court, no reliance can be placed on L3. Though State has not filed an appeal challenging fixation at Rs.5,13,700/-, in - :24:- the light of the foregoing discussions, the

judgment obtained by fraud can be recalled at any

stage of proceedings, even without any

be remanded after setting aside the judgment

impugned in L.A.App.No. 762/2011 for re-fixation of the land value after giving opportunity to Jasmine to adduce fresh evidence with regard to the market

value. It is necessary to set aside the judgment

of the reference court as it was obtained by fraud in that court. Accordingly, we set aside the

judgment in L.A.R.No.60/2010 (reference related to

appeal, L.A.App.No.762/2011) and remand the case back to the reference court.

17. R.P.No.886/2021 in L.A.App.No. 154/2019: This is related to the claim of Abdul Kareem. He was the claimant in L.A.R. No.12/2012 before the reference court. The land that belonged to Kareem -:25:- was required for the purpose of construction of a PWD road. This road is for the purpose of Air Enclave for the

Coast Guard for whom the land has been acquired from others. A notification was issued in this case on 2/08/2011. Land Acquisition Officer awarded land value at Rs.3,27,105/- per Are. In the Land Acquisition Reference, no increase was awarded. In the appeal preferred before this Court, this Court placed reliance on the judgment of the reference court in L.A.R. No. reliance on the judgment of Jasmine in L.A.App.No. land value at Rs.9,96,000/- per Are. We already

held that the judgment appealed in L.A.App.No.

review filed by the State has to be allowed as Abdul Kareem is the beneficiary of the fraudulent

judgment obtained by Jasmine and others. By a

separate judgment in an appeal filed by the -:26:- requisitioning authority in L.A.App.No.14/2023, challenging the award in L.A.R.No. 3/2011, we also give liberty to the requisitioning authority to recall the judgment in L.A.R.No.3/2011. Accordingly, the judgment in L.A.App.No. 154/2019 is recalled and we set aside the judgment in L.A.R. No. 12/2012 and remand the case back to the reference court.

18. The following appeals, except the appeal in L.A.App.No.14/2023, arises from the judgment of the reference court after the remand order of this

Court in L.A.App.No. 727/2012 and c

Court. The Apex Court set aside the judgment and ordered that the remand will be an open remand. After remand, the reference court relied upon the

judgment in L.A.App.No. 762/2011 to refix the land

value. We shall deal with each case separately. -:27:-

19. L.A.App.No.137/2020: This is an appeal challenging the judgment in L.A.R. No. 59/2010,

dated 30/9/2019. The claim is related

0.81 Ares and Rs.1,04,469/- for wet land acquired from him. The total extent of land acquired from him was 2.84 Ares. The reference court noted the history of the transaction from Sreeni Parameswaran to Satish Menon and from Satish Menon to M.G. Parameswaran Nair and found that no credibility can be attached to these title deeds showing the inflated price. It is appropriate to refer to the relevant para of the judgment after appreciation of the facts.

The son purchases the property for a lesser price and the son's company immediately transfers the property for a multiplied price with 1000% hike in favour of his ally and the property again reversed back to the father with a marginal increase in price. No credibility can be attached with such a document and the state cannot be unjustly burdened to pay such a higher land value on the basis of

:-28:- such a manipulated document which is proved to have been executed in anticipation of the Land Acquisition Proceedings. Noting that there were no other records to give an enhanced value of the land, no enhancement was given. We also endorse the findings of the reference court and dismiss this appeal.

20. L.A.App.No.349/2022 & L.A.App.No. 593/2022: These appeals are filed by the State and the

requisitioning authority challenging the judgment

in L.A.R. No.6/2011. The land acquisition officer fixed the land value at Rs.1,97,902/- for 41.32 Ares, Rs.2,59,746 for 4.01 Ares, and Rs.1,13,966/- for 3.77 Ares. The reference court placing reliance on judgment on L.A.App.No. 762/2011, refixed the land value at Rs.8,30,000/- per Are. The reference court was also of the view that categorisation of the land for fixing different market values was not proper and adopted a uniform rate, treating the entire acquired land as a single plot. The judgment in L.A.App.No. 762/2011 :-29:- has been recalled by us in the aforementioned paragraph. No other document has been placed. In view of the fact that the reference court found that the entire land had to be categorized as a single plot, we refix the land value at Rs. 2,59,746/- per Are, the appeals, thus allowed.

21. L.A.App.No.454/2022 & L.A.App.No.50/2023: These appeals are preferred by the state and the

requisitioning authority challenging the judgment

in L.A.R. No. 5/2011. The claimant

land value at Rs.2,59,746/- per Are for 27.09 Ares and Rs.1,13,966/- per Are for 125.77 Ares of land. Placing reliance on the judgment in L.A.R. No. at Rs.8,30,000/- per Are, the land value, in this case, was refixed at Rs.8,30,000/- per Are. It is to be noted that the judgment was passed in L.A.R. -:30:- No. 73/2010 placing reliance on the judgment of

this Court in L.A.App.No. 762/2011. The judgment

in L.A.R. No. 73/2010 is also challeng

on record to claim enhanced value other than the

judgment in L.A.App.No. 762/2011. We note from the

impugned judgment and commission report that the entire land has to be categorized as a single plot. Thus, the appeal is allowed and the land value is refixed at Rs.2,59,746/- per Are.

22. L.A.App.No. 458/2022 & L.A.App.No. 581/2022: These are the appeals filed by the State and

requisitioning authority challenging the judgment

in L.A.R. No. 73/2010. The land acquisition officer fixed the value at Rs.1,13,966/- per Are

for the 30.55 Ares acquired from the

-:31:- Rs.8,30,000/- placing reliance on the judgment in L.A.App.No. 762/2011. No other records were placed for claiming an enhanced rate of the land. We have

already recalled the judgment in L.A.App.No. Are.

23. L.A.App.No.476/2022 & L.A.App.No.23/2023: The State and requisitioning authority have come up in these appeals challenging the judgment in L.A.R.

No. 4/2011. The claimant herein is Ali Akbar, the husband of Jasmine whose judgment was recalled by us in L.A.App.No. 762/2011. The land acquisition officer awarded Rs.2,59,746/- per Are for 15.97 Ares and Rs.1,13,966/- per Are for 37.34 Ares. The

reference court, placing reliance on the judgment

in L.A.App.No. 762/2011 refixed the land value at Rs.8,30,000/- per Are. The reference court also found that it is a single plot and there is no scope for categorisation of the land for fixing different market value. There are no other records -:32:- to claim enhanced value. In the light of the fact that we have already recalled the judgment in L.A.App.No. 762/2011, we allow this appeal. However, we refix the value at the uniform rate of Rs.2,59,746/- per Are for the entire land acquired.

24. L.A.App.No.14/2023: This appeal has been

preferred by the requisitioning

appeal. As seen from the impugned judgment, the reference court placed reliance on the judgment in L.A.App.No. 762/2011 for refixing the land value. The land acquisition officer fixed the land value at Rs.2,59,746/- per Are. The reference court placing reliance on the judgment of this Court in L.A.App.No. 762/2011 refixed the value of the land at Rs.5,70,254/- per Are. In light of the fact that we have have already recalled the judgment in -:33:-

L.A.App.No. 762/2011, we also recall the judgment

in L.A.R. No.3/2011 dated 6/8/2012 for the reasons already assigned in the forgoing paragraphs. Accordingly, we post the L.A.R. No.3/2011 before the Reference Court on 3.4.2023 to allow the claimant to substantiate any other claims

for enhancement, if any. In the result: 25.i. R.P.No.119/2023 and R.P.No.1058/2022 in L.A.App.No.762/2011: The judgment in L.A.App.No.

judgment in L.A.R. No. 60/2010 is set aside and

remanded back to the reference court

reference court on 3/4/2023. The review petitions are disposed of as above. 25.ii. R.P.No.886/2021 in L.A.App.No. 154/2019:

Judgment in L.A.App.No. 154/2019, dated 21/1/2020

:-34:- is recalled and judgment in L.A.R. No. 12/2012 is set aside and remanded back to the reference court. The appellant will be entitled to a refund of the court fee. The parties shall appear before

the reference court on 3/4/2023. The review petition is disposed of as above. 25.iii. L.A.App.No.137/2020: The appeal is dismissed. 25.iv. L.A.App.No.349/2022 & L.A.App.No. value is re-fixed at Rs. 2,59,746/- per Are. 25.v. L.A.App.No. 454/2022 & L.A.App.No. re-fixed at Rs.2,59,746/- per Are. 25.vi. L.A.App.No. 458/2022 & L.A.App.No. land value at Rs.1,13,966/- per Are. :-35:- 25.vii. L.A.App.No. 476/2022 & L.A.App.No. value at uniform rate at Rs.2,59,746/- per Are. 25.viii. L.A.App.No.14/2023: The Judgment in L.A.R. No.3/2011 is recalled. The claimant shall appear before the Reference Court on 3/04/2023 to substantiate the claim for enhancement. Sd/- A.MUHAMED MUSTAQUE, JUDGE Sd/- SHOBA ANNAMMA EAPEN, JUDGE ms APPENDIX OF R.P.NO.1058/2022 PETITIONER'S ANNEXURES: ANNEXURE I TRUE COPY OF THE ORDER IN RP NO. 422/2015 DATED 23.09.2015 ANNEXURE 2 TRUE COPY OF THE JUDGMENT IN LAA NO.727/2012 DATED 17-06-2016 ANNEXURE2 TRUE COPY OF THE JUDGMENT IN LAA NO.727/2012 DATED 17-06-2016 ANNEXURE 3 TRUE COPY OF THE ORDER DATED 26-10-2018 IN SLP NO.26454-26462 OF 2016 ANNEXURE III TRUE COPY OF THE ORDER DATED 26-10-2018 IN SLP NO.26454-26462 OF 2016 ANNEXURE 4 TRUE COPY OF JUDGMENT IN CIVIL APPEAL NO. 10786-10787/2018 DATED 26-10-2018 ANNEXURE IV TRUE COPY OF JUDGMENT IN CIVIL APPEAL NO. 10786-

10787/2018 DATED 26-10-2018 ANNEXURE 5 TRUE COPY OF THE LETTER NO. A1.783/2012 DATED 14-02-2019 OF THE SPECIAL TAHSILDAR LA, NORTH PARAVUR ANNEXURE V TRUE COPY OF THE LETTER NO. A1.783/2012 DATED 14-02-2019 OF THE SPECIAL TAHSILDAR LA, NORTH PARAVUR ANNEXURE 6 TRUE COPY OF THE JUDGMENT IN LAR NO. ANNEXURE VI TRUE COPY OF THE JUDGMENT IN LAR NO. APPENDIX OF R.P.NO.886/2021 PETITIONER'S ANNEXURES: ANNEXURE A1 TRUE COPY OF THE JUDGMENT DATED 17.6.2016 IN LAA 58/2014 AND CONNECTED CASES. ANNEXURE A2 TRUE COPY OF THE JUDGMENT IN CIVIL APPEAL NO.10786-10787 OF 2018 DATED 26.10.2018. APPENDIX OF LA.APP.NO.581/2022 PETITIONER'S ANNEXURES: ANNEXURE 1 TRUE PHOTOCOPY OF THE JUDGMENT IN WP(C) 29363 OF 2007 DATED 05.07.2012 PASSED BY THIS HONOURABLE COURT. APPENDIX OF LA.APP. 593/2022 PETITIONER ANNEXURES Annexure1 TRUE PHOTOCOPY OF THE JUDGMENT IN WP(C) NO 29363 OF 2007 DATED 05.07.2012 APPENDIX OF LA.APP. 23/2023 PETITIONER ANNEXURES Annexure 1 PHOTOCOPY OF THE JUDGEMENT IN W.P. (C).29363/2007 APPENDIX OF RP 119/2023 PETITIONER ANNEXURES

Annexure I

TRUE PHOTOCOPY OF THE SALE DEED NO Annexure

OF SRO CHENGAMANDU Annexure IV CERTIFIED COPY OF THE JUDGMENT DATED 30.09.2019 IN LAR NO 59/2010, PASSED BY THE SUB COURT PARAVUR Annexure V TRUE PHOTOCOPY OF THE JUDGMENT IN W.P (C) NO 29363 OF 2007 DATED 05.07.2012

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