

S.Bindu vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1366201

Court : Kerala

Decided On : Dec-06-2023

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

Appeal No. : LA.App./188/2021

Appellant : S.Bindu

Respondent : State of Kerala

Judgement :

& WEDNESDAY, THE 6TH DAY OF DECEMBER 2023 / 15TH AGRAHAYANA, LA.APP. NO. 76 OF 2021 AGAINST THE JUDGMENT AND DECREE DATED 2-4-2016 IN LAR APPELLANTS/CLAIMANTS 1 TO 5 : 1 L.KRISHNAMMA, W/O.SREENIVASAN, THEKKEVILA VEEDU, KUZHIVILA, KARIMANAL P.O., ATTIPRA VILLAGE. 2 S.SREEKUMAR, S/O.SREENIVASAN, THEKKEVILA VEEDU, KUZHIVILA, KARIMANAL P.O., ATTIPRA VILLAGE. 3 S.MOHANAN, S/O.SREENIVASAN, THEKKEVILA VEEDU, KUZHIVILA, KARIMANAL P.O., ATTIPRA VILLAGE. 4 S.RADHAKRISHNAN, S/O.SREENIVASAN, THEKKEVILA VEEDU, KUZHIVILA, KARIMANAL P.O., ATTIPRA VILLAGE. BY ADV.B.ANANTHU RESPONDENTS/1ST RESPONDENT & CLAIMANTS 6 TO 12 : 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT

COLLECTOR, THIRUVANANTHAPURAM - 695 001. 2 SANAL KUMAR, S/O.SREEVALSAN, ANJUM HOUSE, MUTHUTTINKARA, KARIMANAL P.O., THIRUVANANTHAPURAM - 695 583. 3 GIRIJA, D/O.SULOCHANA, KUMARAN VILAKAM, KULATHOOR P.O., THIRUVANANTHAPURAM 695 583. 4 SURESHKUMAR, S/O.SREEVALSAN, SREEVALSAM, PARAVOOR P.O., KOLLAM- 691 301. - 2 :- 5 GEETHA, D/O.SULOCHANA, THIRUVATHIRA, POOTHAKULAM P.O., UNNINMOODU, KOLLAM - 691 302. 6 SHEELA, D/O.SULOCHANA, THIRUVATHIRA, KOTTAMUKAL, MANNANTHALA P.O., THIRUVANANTHAPURAM - 695 043. 7 LAILA, D/O.SULOCHANA, BHAVANA, CHENKOTTUKONAM, CHEMPAZHANTHI P.O., THIRUVANANTHAPURAM - 695 587.

R1 BY SR.GOV.T.PLEADER SRI.T.K.SHAJAHAN. R2 TO R7 BY ADV CYRIAC TOM HEARD ON 06.12.2023, ALONG WITH LA.App..88/2021, DELIVERED THE FOLLOWING: - 3 :- & WEDNESDAY, THE 6TH DAY OF DECEMBER 2023 / 15TH AGRAHAYANA, 1945 LA.APP. NO. 88 OF 2021 AGAINST THE JUDGMENT AND DECREE DATED 21-02-2014 IN LAR NO.893/2009 OF II ADDITIONAL SUB COURT, APPELLANT/CLAIMANT:

OMANA AMMA, AGED 67 YEARS, D/O.KRISHNA PILLAI, SANEESH BHAVAN, TC 7/197, PEDIKKATTU MURI, AKKULAM ROAD, CHERUVAICKAL VILLAGE, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM 695 011. BY ADVS.SMT.P.T.MARY & B.ANANTHU. RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, REP.BY THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM 695 001. 2 THE EXECUTIVE ENGINEER, PWD DIVISION, THIRUVANANTHAPURAM 695 001. BY SR.GOV.T.PLEADER SRI.T.K.SHAJAHAN & SRI.RANJITH THAMPAN, ADDL.AG HEARD ON 06.12.2023, ALONG WITH LA.App..76/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: - 4 :- & WEDNESDAY, THE 6TH DAY OF DECEMBER 2023 / 15TH AGRAHAYANA, 1945 LA.APP. NO. 120 OF 2021 AGAINST THE JUDGMENT AND DECREE DATED 30-10-2013 IN LAR NO.84/2010 OF II ADDITIONAL SUB COURT, APPELLANT/CLAIMANT: SURESH CHANDRA BABU, AGED 58 YEARS

SHEEGA NIVAS,TC 1/86, AKKULAM ROAD, ULLOOR, MEDICAL COLLEGE.P.O, THIRUVANANTHAPURAM-695 011. BY ADVS.B.ANANTHU & P.T.MARY RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION, KUDAPPANAKUNNU.P.O, THIRUVANANTHAPURAM-695 043. 2 THE EXECUTIVE ENGINEER, PWD ROADS DIVISION, STATUE.P.O, THIRUVANANTHAPURAM-695 001. BY SRI.T.K.SHAJAHAN, SR.GP HEARD ON 06.12.2023, ALONG WITH LA.App..76/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -: 5 :- & WEDNESDAY, THE 6TH DAY OF DECEMBER 2023 / 15TH AGRAHAYANA, 1945 LA.APP. NO. 121 OF 2021 AGAINST THE JUDGMENT AND DECREE DATED 21-02-2014 IN LAR NO.18/2013 OF II ADDITIONAL SUB COURT, APPELLANT/CLAIMANT: LATHIKA, AGED 61 YEARS, D/O. RAJAMMA, ARSHA NIVAS, MANAKKUNNU, ALATHARA, SREEKARIYAM P.O., THIRUVANANTHAPURAM. BY ADVS.SMT.P.T.MARY & B.ANANTHU. RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM-695 001. 2 THE EXECUTIVE ENGINEER, PWD (ROADS) DIVISION, THIRUVANANTHAPURAM-695 001. BY SRI.T.K.SHAJAHAN, SR.GP HEARD ON 06.12.2023, ALONG WITH LA.App..76/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -: 6 :- & WEDNESDAY, THE 6TH DAY OF DECEMBER 2023 / 15TH AGRAHAYANA, 1945 LA.APP. NO. 117 OF 2021 AGAINST THE JUDGMENT AND DECREE DATED 20-12-2014 IN LAR NO.3/2011 OF II ADDITIONAL SUB COURT, APPELLANT/CLAIMANT: JAYAKUMARI, D/O.LALITHA, KUNNATHODE, KARIMANAL P.O., KOLLUMURI, ATTIPRA VILLAGE, THIRUVANANTHAPURAM-695 583. BY ADVS.B.ANANTHU & P.T.MARY RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM-695 043. 2 THE EXECUTIVE ENGINEER, PWD ROADS DIVISION, THIRUVANANTHAPURAM-695 001. BY SRI.T.K.SHAJAHAN, SR.GP HEARD ON 06.12.2023, ALONG WITH LA.App..76/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

-: 7 :- & WEDNESDAY, THE 6TH DAY OF DECEMBER 2023 / 15TH AGRAHAYANA, 1945 LA.APP. NO. 188 OF 2021 AGAINST THE JUDGMENT AND DECREE DATED 30-10-2013 IN LAR NO.120/2010 OF II ADDITIONAL SUB COURT, APPELLANT/CLAIMANT: S.BINDU, S/O. SUKUMARAN, PARAMBUVILAKATHU VEEDU, PEEDIKATTU MURI, ULLOOR- 695 011, BY ADV.B.ANANTHU RESPONDENTS/RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM - 695 001. 2 THE EXECUTIVE ENGINEER, PWD (ROADS) DIVISION, THIRUVANANTHAPURAM - 695 001. BY SRI.T.K.SHAJAHAN, SR.GP HEARD ON 06.12.2023, ALONG WITH LA.App..76/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -: 8 :- & WEDNESDAY, THE 6TH DAY OF DECEMBER 2023 / 15TH AGRAHAYANA, 1945 LA.APP. NO. 179 OF 2020 AGAINST THE JUDGMENT AND DECREE DATED 24-03-2015 IN LAR NO.96/2011 OF II ADDITIONAL SUB COURT, APPELLANTS/CLAIMANTS 2, 4 & 5 :

1 PREMAKUMARI, W/O LATE JAYAN, MNRA 135,T.C.76/1795, B.P.NIVAS, KITTEN CHERI LANE, ANAYARA.P.O, 2 VINEETH.B.P,S/O LATE JAYAN, MNRA 135,T.C.76/1795, B.P.NIVAS, KITTEN CHERI LANE, ANAYARA.P.O, 3 VISHNU.B.P, S/O LATE JAYAN, MNRA 135,T.C.76/1795, B.P.NIVAS, KITTEN CHERI LANE, ANAYARA.P.O,THIRUVANANTHAPURAM. BY ADVS. B.ANANTHU & SRI.JOSH RAJAN (NALANCHIRA)

RESPONDENTS/RESPONDENTS & CLAIMANTS NO.3 : 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR,THIRUVANANTHAPURAM. -: 9 :- 2 THE EXECUTIVE ENGINEER, PWD DIVISION,THIRUVANANTHAPURAM- 695 001. 3 VINOD.B.P, S/O LATE JAYAN, MNRA 135, T.C.76/1795, B.P.NIVAS, KITTEN CHERI LANE, ANAYARA.P.O, R1 & R2 BY SRI.T.K.SHAJAHAN, SR.GP HEARD ON 06.12.2023, ALONG WITH LA.App..76/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -: 10 :- P.B.SURESH KUMAR & JOHNSON JOHN, JJ.

----- Dated this
the 6th day of December, 2023.

JUDGMENT

P.B.Suresh Kumar, J.

The above appeals arise from the judgments/awards in some of the references made in respect of the lands acquired for widening of Ulloor - Akkulam - Kuzhivila NH Bye Pass Road, pursuant to a notification issued on 12-12-2007 under Section 4(1) of the Land Acquisition Act, 1894 (the Act). The Land Acquisition Officer classified the lands acquired for the purpose into different categories and fixed the land value for the acquired lands on that basis. The land value fixed by the Land Acquisition Officer for the lands involved in these cases are as follows:

Sl.No LAA No. LAR No. Land value per Are 1 179 of 2020 96 of 2011 Rs.2,26,792/- 2 76 of 2021 118 of 2011 Rs.2,20,668/- 3 88 of 2021 893 of 2009 Rs.2,47,198/- 4 117 of 2021 3 of 2011 Rs.2,26,792/- - : 11 :- 5 120 of 2021 84 of 2010 Rs.2,47,198/- 6 121 of 2021 18 of 2013 Rs.2,26,792/- 7 188 of 2021 120 of 2010 Rs.2,47,198/- The reference court enhanced and re-fixed the land value of the acquired lands uniformly at Rs.24,17,100/- per Are. It is aggrieved by the fixation of land value made by the reference court that the claimants have come up in these appeals.

2. Heard the learned counsel for the appellants as also the learned Government Pleader.

3. When the matters were taken up, the

learned counsel on both sides submitted that several identical matters have been disposed of by adopting a uniform yardstick and these matters can, therefore, be disposed of following the same yardstick. It was pointed out that L.A.A. Nos.7 of 2016 and 241 of 2020 are two among such matters. The learned counsel for the claimants has made available the copies of the judgments in the said cases.

4. In the light of the submissions made by the

learned counsel for the parties and the decisions of this Court in L.A.A. Nos.7 of 2016 and 241 of 2020, we are of the view that these appeals can also be disposed of in tune with -: 12 :- the judgments in the said two cases.

5. Accordingly, as agreed to by the parties, the

land value for the lands involved in LAR No.118 of 2011 is re- fixed at Rs.29,36,908/- per Are, LAR No.96 of 2011 is re- fixed at Rs.30,18,413/- per Are, LAR No.893 of 2009 is re- fixed at Rs.32,90,000/- per Are, LAR No.3 of 2011 is re- fixed at Rs.30,18,413/- per Are, LAR No.84 of 2010 is re-fixed at Rs.32,90,000/- per Are, LAR No.18 of 2013 is re-fixed at Rs.30,18,413/- per Are and LAR No.120 of 2010 is re-fixed at Rs.32,90,000/- per Are.

6. It is seen that there was delay in instituting

all the appeals. The delay in instituting LAA No.179 of 2020 is 1760 days, LAA No.88 of 2021 is 2240 days, LAA No.117 of 2021 is 2168 days, LAA No.120 of 2021 is 2348 days, LAA No.121 of 2021 is 2541 days and LAA No.188 of 2021 is 2187 days. As far as LAA No.76 of 2021 is concerned, there is a delay of 273 days in representing the appeal after curing the defects and a delay of 1170 days in filing the appeal. In all these cases, delay was condoned subject to the condition that the claimants will not be entitled to interest for the period of delay. In the circumstances, it is made clear that -: 13 :- the appellants will not be entitled to interest on the amount for the period of delay. It is also clarified that the appellants shall be entitled to all statutory benefits. The appeals are accordingly, disposed of. Interlocutory applications, if any, pending in the appeals are closed. Sd/- P.B.SURESH KUMAR, JUDGE Sd/- JOHNSON JOHN, JUDGE. amk

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