

A.Najuma Beevi vs State of Kerala

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Court : Kerala

Decided On : Mar-16-2023

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

Appeal No. : LA.App./22/2019

Appellant : A.Najuma Beevi

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944 LA.APP. NO. 1 OF 2019

JUDGMENT & DECREE DATED 24.11.2014 IN LAR 96/2011 OF SUB COURT,

ATTINGAL APPELLANT/CLAIMANT: A.NAJUMA BEEVI, AGED 51 YEARS KADAKATHU VEEDU, EDAVILAKATHU MURI, VEILOOR VILLAGE, NOW RESIDING AT T.C.2/3406, CRRAJ-6, SREEPADAM, PATTOM P.O., THIRUVANANTHAPURAM.

BY ADVS. GEORGE MECHERIL SRI.K.M.AUGUSTINE
RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY
THE DISTRICT COLLECTOR, CIVIL STATION, KUDAPPANAKKUNNU,
THIRUVANANTHAPURAM.-695043 2 THE CHIEF EXECUTIVE OFFICER,
TECHNOPARK, THIRUVANANTHAPURAM-695001. BY SENIOR GP -
SMT.REKHA C. NAIR BY ADVS.SMT.K.V.RASHMI, SC, TECHNOPARK
SRI.ANIL THOMAS(T), SC,TECHNOPARK

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
16.03.2023, ALONG WITH LA.App..18/2019, 27/2019 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE
HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE
16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944 LA.APP. NO. 18 OF 2019

JUDGMENT & DECREE DATED 24.11.2014 IN LAR 162/2011 OF SUB

COURT, ATTINGAL APPELLANT/CLAIMANT: A.NAJUMA BEEVI, AGED 54
YEARS KADAKATHU VEEDU, EDAVILAKATHU MURI, VEILOOR VILLAGE,
NOW RESIDING AT TC.2/3406, CRRAJ-6, SREEPADAM, PATTOM P.O,
THIRUVANANTHAPURAM.

BY ADV GEORGE MECHERIL RESPONDENTS/RESPONDENTS: 1 STATE OF
KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION,
KUDAPPANAKKUNNU, THIRUVANANTHAPURAM.695001 2 THE CHIEF
EXECUTIVE OFFICER, TECHNOPARK, THIRUVANANTHAPURAM.695001 BY
SENIOR GP - SMT.REKHA C. NAIR BY ADVS.SMT.K.V.RASHMI, SC,
TECHNOPARK SRI.ANIL THOMAS(T), SC,TECHNOPARK THIS LAND
ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 16.03.2023,
ALONG WITH LA.App..1/2019 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: ..3..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944 LA.APP. NO. 27 OF 2019

JUDGMENT & DECREE DATED 24.11.2014 IN LAR 139/2011 OF SUB

COURT, ATTINGAL APPELLANTS/CLAIMANTS: 1 A.NAJUMA BEEVI, KADAKATHU VEEDU, EDAVILAKATHU MURI, VEILOOR VILLAGE, NOW RESIDING AT TC 2/3406, CRRAJ- 6,SREEPADAM, PATTOM, P.O.THIRUVANANTHAPURAM. 2 RAMLA BEEVI, KADAKATHU VEEDU, EDAVILAKATHU MURI, VEILOOR VILLAGE, THIRUVANANTHAPURAM. BY ADVS. GEORGE MECHERIL SRI.K.M.AUGUSTINE RESPONDENTS/RESPONDENTS & CLAIMANTS C & D:

1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION, KUDAPPANAKKUNNU, THIRUVANANTHAPURAM 695043. 2 THE CHIEF EXECUTIVE OFFICER, TECHNO PARK, TECHNO PARK, THIRUVANANTHAPURAM-695 001. BY SENIOR GP - SMT.REKHA C. NAIR BY ADVS.SRI.ANIL THOMAS(T), SC,TECHNOPARK SMT.K.V.RASHMI, SC, TECHNOPARK THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 16.03.2023, ALONG WITH LA.App..1/2019 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..4..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944 LA.APP. NO. 5 OF 2019

JUDGMENT & DECREE DATED 24.11.2014 IN LAR 97/2011 OF SUB

COURT, ATTINGAL APPELLANT/CLAIMANT: C. NAJUMA BEEVI, AGED 51 YEARS, KADAKATHU VEEDU, EDAVILAKATHU MURI, VEILOOR VILLAGE, NOW RESIDING AT TC.2/3406, CRRAJ-6, SREEPADAM, PATTOM P. O., THIRUVANANTHAPURAM

BY ADVS. GEORGE MECHERIL SRI.K.M.AUGUSTINE
RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION, KUDAPPANAKKUNNU, THIRUVANANTHAPURAM - 695 2 THE CHIEF EXECUTIVE OFFICER TECHNOPARK, THIRUVANANTHAPURAM - 695 001 BY SENIOR GP - SMT.REKHA C. NAIR BY ADVS.SRI.ANIL THOMAS(T), SC,TECHNOPARK SMT.K.V.RASHMI, SC, TECHNOPARK THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 16.03.2023, ALONG WITH LA.App..1/2019 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..5..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944 LA.APP. NO. 359 OF 2018

JUDGMENT & DECREE DATED 24.11.2014 IN LAR 225/2011 OF SUB

COURT, ATTINGAL APPELLANT/CLAIMANT: B.NAJUMA BEEVI, AGED 51 YEARS KADAKATHU VEEDU, EDAVILAKATHU MURI, VEILOOR VILLAGE, NOW RESIDING AT TC.2/3406, CRRAJ-6, SREEPADAM, PATTOM.P.O., THIRUVANANTHAPURAM.

BY ADVS. GEORGE MECHERIL SRI.K.M.AUGUSTINE
RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, NREPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION, KUDAPPANAKKUNNU, THIRUVANANTHAPURAM.695043 2 THE CHIEF EXECUTIVE OFFICER

TECHNOPARK, THIRUVANANTHAPURAM.695001 BY SENIOR GP - SMT.REKHA C. NAIR BY ADVS.SRI.ANIL THOMAS(T), SC,TECHNOPARK SMT.K.V.RASHMI, SC, TECHNOPARK THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 16.03.2023, ALONG WITH LA.App..1/2019 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..6..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944 LA.APP. NO. 12 OF 2019

JUDGMENT & DECREE DATED 24.11.2014 IN LAR 100/2011 OF SUB

COURT, ATTINGAL APPELLANT/CLAIMANT: A.NAJUMA BEEVI, AGED 54 YEARS KADAKATHU VEEDU, EDAVILAKATHU MURI, VEILOOR VILLAGE,NOW RESIDING AT T.C.2/3406, CRRAJ-6, SREEPADAM, PATTOM P.O., THIRUVANANTHAPURAM.

BY ADVS. GEORGE MECHERIL SRI.K.M.AUGUSTINE RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION, KUDAPPANAKKUNNU, THIRUVANANTHAPURAM - 695 043. 2 THE CHIEF EXECUTIVE OFFICER TECHNOPARK, THIRUVANANTHAPURAM - 695 001. BY SENIOR GP - SMT.REKHA C. NAIR BY ADVS.SRI.ANIL THOMAS(T), SC,TECHNOPARK SMT.K.V.RASHMI, SC, TECHNOPARK THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 16.03.2023, ALONG WITH LA.App..1/2019 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..7..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944 LA.APP. NO. 22 OF 2019

JUDGMENT & DECREE DATED 24.11.2014 IN LAR 153/2011 OF SUB

COURT, ATTINGAL APPELLANT/CLAIMANT: A.NAJUMA BEEVI, AGED 54 YEARS KADAKATHU VEEDU, EDAVILAKATHU MURI, VEILOOR VILLAGE, NOW RESIDING AT TC. 2/3406, CRRAJ-6, SREEPADAM, PATTOM P.O., THIRUVANANTHAPURAM.

BY ADVS. GEORGE MECHERIL SRI.K.M.AUGUSTINE
RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION, KUDAPPANAKKUNNU, THIRUVANANTHAPURAM -695 043. 2 THE CHIEF EXECUTIVE OFFICER, TECHNOPARK, THIRUVANANTHAPURAM-695 001. BY SENIOR GP - SMT.REKHA C. NAIR BY ADVS.SRI.ANIL THOMAS(T), SC,TECHNOPARK SMT.K.V.RASHMI, SC, TECHNOPARK THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 16.03.2023, ALONG WITH LA.App..1/2019 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..8..

----- LA.App. Nos.1/2019, 18/2019, 27/2019, 5/2019, -----

JUDGMENT

SHOBA ANNAMMA EAPEN, J.

These land acquisition appeals are filed under Section 54 of the Land Acquisition Act, 1894 (for short, the LA Act), challenging the judgments in a batch of land reference cases filed by the appellant herein under Section 18 of the LA Act in respect of the land acquired for the purpose of IVth phase development of Technopark pursuant to Section 4(1) notification dated 05.12.2006.

2. The Land Acquisition Officer included the

properties in ten different categories on the basis of the nature of the acquired land and the land value was fixed ranging from Rs.20,570/- to ..9.. Rs.53,327/- per are. The appellant/claimant sought reference under Section 18 of the Land Acquisition Act and the reference court enhanced and refixed the land value ranging from Rs.41,140/- to Rs.1,06,54/- per are. Dissatisfied with the compensation awarded, the appellant/claimant has come up in appeal.

3. Heard the learned counsel for the appellant/claimant and the learned senior Government Pleader.

4. The properties, in respect of which

enhancement is sought for before this Court, are classified under categories 4 & 7 to 10. The reference court awarded Rs.1,06,654/- per are for Category No.4; Rs.86,390/- per are for Category No.7; Rs.83,980/- per are for Category No.8; Rs.68,568/- per are for Category No.9; and Rs.41,140/- per for Category No.10.

5. On the side of the claimant, Exts.A1 to

A4 were marked and AW1 to AW3 were examined. ..10.. Exts.B1 and B2 were marked on the side of the respondents. Ext.C1 report of the Advocate Commissioner was also marked.

6. The learned counsel for the appellant

submits that the purpose of acquisition being commercial in nature, which requires an extensive area, the classification of the properties into different categories is not correct and the entire acquired property of the appellant ought to have been included in the first category. The learned counsel further submits that the properties, in respect of which the appeals are filed, belonged to a single owner and the properties are lying contiguously as a single plot. According to him, the Land Acquisition Officer, in order to reduce the compensation payable to the claimant, divided the property into different categories, i.e., Category Nos.4 and 7 to 10. It is further submitted that the properties were lying as garden land and at

the ..11.. time of acquisition, the properties were considered to be wetland.

7. The learned Senior Government Pleader, on

the other hand, would submit that the reference court, after taking into consideration the entire aspects, enhanced the compensation and that too, by 100%; and hence, the claimant is not entitled for any further enhancement.

8. We have gone through the entire records.

On a perusal of Ext.C1 sketch filed by the advocate commissioner along with the report, it is seen that the properties are lying contiguous as a single plot with road access and the properties classified as Category Nos.4, 7 to 10 are the same. As per Ext.C1 report as well as the deposition of AW3 (Advocate Commissioner), the acquired lands were lying as a single plot within common boundaries and were not having demarcating boundaries within the properties. Hence, we find that there is no justification in ..12.. placing the properties under different categories and all the properties in these appeals ought to have been included in a single category.

9. The property of the appellant, which is

lying adjacent to the road, was classified under Category No.4 and the amount awarded by the reference court was Rs.1,06,654/- per are; and the reference court reduced the compensation amount by classifying the other properties of the appellant, which are lying contiguously, into different categories, i.e., Category Nos.7 to 10. On going through Ext.C1 sketch, it is clear that the road acquired from patta land is passing through the other categories of property belonging to the appellant. Merely because some of the property are not having direct access from road, it cannot be classified into different categories since, admittedly, the entire acquired properties of the appellant are lying contiguous. Hence, we are not inclined to categorize the ..13.. properties of the appellant, which are lying as a single contiguous plot, into different categories. Therefore, we are of the opinion that the entire properties covered by the above appeals have to be categorized under Category No.4 and the amount awarded for properties classified under Category No.4 has to be given for the other acquired properties of the appellant.

Therefore, the claimants are entitled to get the compensation amount of Rs.1,06,654/- per are in respect of the properties covered in these appeals, classifying the same under Category No.4.

10. Since we have already found that the

entire acquired properties of the appellant covered in these appeals have to be included in Category No.4 considering the same as a single plot, the compensation awarded by the reference court has to be modified and therefore, we are of the view that interest of justice would be best ..14.. met if the value of the properties involved herein be uniformly refixed at Rs.1,06,654/- per are.

11. In the result, the land value in these

appeals is uniformly refixed at Rs.1,06,654/- (Rupees one lakh six thousand six hundred and fifty four only) per are. It is hereby made clear that the appellant is entitled for all other statutory benefits admissible under the Land Acquisition Act, 1894, and costs. These land acquisition appeals are allowed accordingly. Sd/- A. MUHAMED MUSTAQUE JUDGE Sd/- SHOBA ANNAMMA EAPEN JUDGE bka/-

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