

Surendran vs State of Kerala

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Court : Kerala

Decided On : Nov-29-2022

Judge : Honourable Mr. Justice Sathish Ninan

Appeal No. : LA.App./116/2016

Appellant : Surendran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SATHISH NINAN TUESDAY, THE 29TH DAY OF NOVEMBER 2022 / 8TH AGRAHAYANA, 1944 LA.APP. NO. 116 OF 2016 AGAINST THE JUDGMENT IN LAR 60/2007 OF II ADDITIONAL SUB COURT, THIRUVANANTHAPURAM ----- APPELLANT: SURENDRAN, (DIED; LHRs IMPEADED) S/O.KUTTAPPAN NADAR, RAJESH BHAVAN,PAPPAD, KACHANI.P.O, THIRUVANANTHAPURAM. * ADDL. APPELLANTS 2 TO 5: AJITHA KUMARI, W/O (LATE) SURENDRAN, RAJESH BHAVAN, PAPPAD, ADDL. A2 RAJESH S., S/O (LATE) SURENDRAN, RAJESH BHAVAN, PAPPAD, ADDL. A3 ABHILASH S., S/O (LATE) SURENDRAN, RAJESH BHAVAN, PAPPAD, ADDL. A4 KACHANI P.O., THIRUVANANTHAPURAM-695013. NIDHEESH S., S/O (LATE) SURENDRAN, RAJESH BHAVAN, PAPPAD, ADDL.

A5 * [THE LEGAL HEIRS OF THE DECEASED APPELLANT ARE IMPEADED AS ADDITIONAL APPELLANTS 2 TO 5 AS PER ORDER IN I.A.NO.1 OF 2019 DATED 23-03-2021] BY ADVS. SRI.G.S.REGHUNATH SRI.K.RAJESH KANNAN SRI.A.S.SHAMMY RAJ RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM- 695001. LA.APP. NO. 116 OF 2016 -2- 2 THE CHIEF CONSTRUCTION ENGINEER, CIVIL ENGINEERING DIVISION, DEPARTMENT OF SPACE, THIRUVANANTHAPURAM-695001. BY ADVS. SR. GOVERNMENT PLEADER SMT.REKHA C. NAIR SRI.JAISHANKAR V.NAIR, CGC THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29.11.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SATHISH NINAN, J.

===== Dated this
the 29th day of November, 2022

J U D G M E N T

Dissatisfied with the quantum of land acquisition compensation awarded, the claimant is in appeal. The original claimant died pending the appeal and his legal heirs are impleaded as the additional appellants.

2. An extent of 7.90 Ares of property in Re-sy.

No.567/2013 of Peroorkada Village was acquired for the purpose of Expansion Programme of Composite Group and IISU of ISRO. Section 4(1) notification under the Land Acquisition Act, 1894, was published on 22.04.2004. Award was passed on 20.12.2005. The Reference Court fixed the land value at ` 80,000/- per Are. The claimant seeks enhancement of compensation.

3. Heard Sri.G.S.Reghunath, learned counsel for the claimant and also Smt.Rekha C. Nair, learned Senior Government Pleader for the respondents. -: 2 :-

4. L.A.R. No.60/2007 from which the present appeal arises, was tried and disposed of along with various other LARs including LAR 59/2007. The claimants in the other references challenged the judgment of the Reference Court before this Court. The appeal from LAR

judgment dated 01.10.2012, set aside the judgment of the

Reference Court and remanded the matter back for fresh disposal. It is reported that pursuant to the order of remand, the value was re-fixed by the Reference Court at ` 5 lakhs.

5. The learned counsel for the appellant brought to

the notice of this Court that the value so fixed by the Reference Court at ` 5 lakh was affirmed by this Court. The learned Government Pleader also agrees that the value has been so re-fixed after remand. It is also brought to the notice of the Court that in similar cases covered under the very same notification the value was fixed at ` 5 lakh per Are. In the light thereof, the

-: 3 :- appellant herein is also entitled for the same value. Hence the appeal is allowed. The land value is enhanced and re-fixed at ` 5 lakh per Are. The appellant/claimant is entitled for all statutory benefits as provided under Sections 23(1A), 23(2) and 28 of the Land Acquisition Act, 1894. In the light of the

order dated 17.09.2021 in C.M. Application No.2/2016,

the appellant shall not be entitled for interest for 2546 days, which is the period of delay in filing the appeal. The appellants shall be entitled for proportionate costs.
Sd/- SATHISH NINAN JUDGE kns/- //True Copy// P.S. to Judge

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