

State of Kerala vs Betsy

State of Kerala vs Betsy

SooperKanoon Citation : sooperkanoon.com/1895755

Court : Kerala

Decided On : Jul-09-2019

Judge : Honourable Mr. Justice P.B.Suresh Kumar

Appeal No. : LA.App./164/2017

Appellant : State of Kerala

Respondent : BETSY

Judgement :

LA.App..No.36 OF 2016 AGAINST THE JUDGMENT AND DECREE IN LAR 122/2013 DATED 31-08-2015 APPELLANT/CLAIMANT: JOSE, S/O.AUGUSTY, AGED 63 YEARS, ANANDAVILASATHIL, PARATHATTEL, CHITTOOR, THODUPUZHA, IDUKKI DISTRICT - 685 608. BY ADVS. SRI.K.S.HARIHARAPUTHRAN SRI.DIPU JAMES SRI.GEORGE MATHEW SRI.M.D.SASIKUMAR SHRI.SUNIL KUMAR A.G RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION, KUILIMALA, PAINAVU, IDUKKI - 685 601.

2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI DISTRICT -685 601. 09.07.2019, ALONG WITH LA.App..332/2016 AND CONNECTED CASES, THE LA.App..No.332 OF 2016(C) AGAINST THE JUDGMENT AND DECREE IN LAR 93/2014 DATED 19-03-2016

APPELLANT/CLAIMANT:

MATHEW VARGHESE, AGED 47, S/O K.J.VARGESE, RESIDING AT KULANGARA THOTTIYIL HOUSE, ARIKUZHA KARA, MANAKKADU VILLAGE, THODUPUZHA. BY ADVS. SRI.R.BINDU (SASTHAMANGALAM) SRI.PRASANTH M.P SRI.G.RAJAGOPAL (KUMMANAM) RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION COMPLEX, PAINAVU, KUILIMALA, IDUKKI, PIN:685603.

2 THE EXECUTIVE ENGINEER, P.W.D ROADS DIVISION, PAINAVU (P.O), IDUKKI, PIN:685603. CO.No.118 OF 2017 IN LA.App.. 126/2017 AGAINST THE JUDGMENT AND DECREE IN LAR 71/2014 ON THE FILES OF SUB COURT, THODUPUZHA DATED 31.10.2016 CROSS APPELLANT/OBJECTOR/CLAIMANTS: MOHANAN NAIR S/O. GOPALAN NAIR, VARICKATHANATHU (H), ARIKUZHA, THODUPUZHA. BY ADVS. SRI.S.ANANTHAKRISHNAN SRI.N.K.SUBRAMANIAN SRI.S.SATHYAN RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY DISTRICT COLLECTOR IDUKKI, CIVIL STATION, PAINAVU - 685 603. 2 THE EXECUTIVE ENGINEER PWD (ROADS), DIVISION, PAINAVU P.O., IDUKKI - 685 603. THIS CROSS OBJECTION/CROSS APPEAL HAVING BEEN FINALLY HEARD

ON 09.07.2019, ALONG WITH LA.App..36/2016 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

LA.App..No.126 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 71/2014 DATED 31-10-2016 APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL STATION, PAINAVU 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI. SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT:

MOHANAN NAIR, S/O. GOPALAN NAIR, VARICKATHANATHU (H), ARIKUZHA (PRESENT ADDRESS V.G. MOHANAN NAIR, SENIOR SUPERINTENDENT, TERMINAL MANAGEMENT AAI, CALICUT

INTERNATIONAL AIRPORT - 673 647) BY ADVS. SRI.S.ANANTHAKRISHNAN SRI.N.K.SUBRAMANIAN SRI.S.SATHYAN LA.App..No.137 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 19/2014 DATED 31-10-2016 APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL STATION, PAINAVU, KUILMALA, 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI RESPONDENT/CLAIMANT: SRI.RAVINDRAN NAIR, S/O. GOPALAN NAIR, VARICKATHANATHU (H), ARIKUZHA P.O., MANAKKAD VILLAGE, THODUPUZHA TALUK PIN 685 584

BY ADVS. SRI.S.ANANTHAKRISHNAN SRI.N.K.SUBRAMANIAN SRI.S.SATHYAN LA.App..No.141 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 12/2014 DATED 31-10-2016 APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI 2 THE EXECUTIVE ENGINEER PWD(ROADS) DIVISION, PAINAVU P.O., IDUKKI RESPONDENT/CLAIMANT: UNNIKRISHNAN NAIR, S/O.GOPALAN NAIR, VARICKATHANATHU, ARIKUZHA 685584. BY ADVS. SRI.DOMSON J.VATTAKUZHAY SRI.S.SATHYAN LA.App..No.148 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 18/2014 DATED 31-10-2016 APPELLANTS/RESPONDENTS:

1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL STATION, PAINAVU, KUILMALA, 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER RESPONDENT/CLAIMANT: SRI.RAVINDRAN NAIR, S/O.GOPALAN NAIR, VARICKATHANATHU (H), ARIKUZHA P.O, MANAKKAD VILLAGE, THODUPUZHA TALUK, PIN -685 584.

BY ADVS. SRI.S.ANANTHAKRISHNAN SRI.N.K.SUBRAMANIAN SRI.S.SATHYAN LA.App..No.164 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 6/2014 DATED 31-10-2016 APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL STATION, PAINAVU, KUILMALA, 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI

SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER
RESPONDENT/CLAIMANT: BETSY W/O. SUNNY,
THANNICKAL(H),MUTHALAKODAM, THODUPUZHA,NOW RESIDING AT
THANNICKAL (H),MANAKKAD VILLAGE, PUTHUPARIYARAM
P.O,THODUPUZHA 685584

BY ADVS. SRI.S.ANANTHAKRISHNAN SRI.N.K.SUBRAMANIAN
SRI.S.SATHYAN LA.App..No.181 OF 2017 AGAINST THE JUDGMENT AND
DECREE IN LAR 149/2013 DATED 31-10-2016 APPELLANTS/RESPONDENTS:
1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT
COLLECTOR,IDUKKI CIVIL STATION,PAINAVU,KUILIMALA, 2 THE
EXECUTIVE ENGINEER PWD (ROADS)DIVISION, PAINAVU.P.O.,IDUKKI
SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER
RESPONDENT/CLAIMANT:

SALI, S/O.SIVARAMAN,KADMBANATHU(H),ARIKUZHA KARA,MANAKKAD
VILLAGE,THODUPUZHA TALUK,REPRESENTED BY HIS WIFE AND POWER
OF ATTORNEY HOLDER AMBILY SALI,PIN- 685584. BY ADVS. SMT.DEENA
JOSEPH SRI.P.G.GOKULNATH SRI.T.R.S.KUMAR SRI.P.B.PRADEEP
SRI.K.V.SABU SRI.SOBIN SOMAN

LA.App..No.208 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR
11/2014 DATED 31-10-2016 APPELLANTS/RESPONDENTS: 1 THE STATE OF
KERALA REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI 2 THE
EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI
RESPONDENTS/CLAIMANTS: 1 RAVIBALAN PILLAI, S/O. KRISHNAPILLAI,
KUDIYIRIPPIL, KANJIRAMATTAM,682315 2 GEETHAMMA, W/O. RAVIBALAN
PILLAI, S/O. KRISHNAPILLAI, KUDIYIRIPPIL, KANJIRAMATTAM, 682315 BY
ADVS. SRI.S.ANANTHAKRISHNAN SRI.N.K.SUBRAMANIAN SRI.S.SATHYAN
LA.App..No.225 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR
110/2014 OF SUB COURT,THODUPUZHA DATED 31.10.2016
APPELLANTS/RESPONDENTS IN LAR: 1 THE STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR,PAINAVU, KUILIMALA P.O,
IDUKKI. 2 THE EXECUTIVE ENGINEER PWD ROADS DIVISION, PAINAVU

P.O., IDUKKI RESPONDENTS/CLAIMANTS IN LAR: 1 SMT.LEENA JOSEPH, W/O JOSEPH, PULIMALAYIL, CHITTOOR, MANAKKAD, IDUKKI 685584. 2 ABEESH JOSEPH, S/O JOSEPH, MANIMALAKANDATHIL, CHITTOOR,MANAKAKD,IDUKKI 685584. FOR R1 & R2 BY ADVS. SRI.S.ANANTHAKRISHNAN SRI.N.K.SUBRAMANIAN SRI.S.SATHYAN LA.App..No.248 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 3/2014 DATED 31-10-2016 APPELLANTS/RESPONDENTS:

1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR,IDUKKI CIVIL STATION, PAINAVU, KUILIMALA,

2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI SRI.B.R.MURALEEDHARAN, SR.GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS: 1 JOSE, S/O. JOSEPH, KOCHUPARAMBIL (H),PUTHUPARIYARAM P.O., CHOTTOOR, THODUPUZHA,PIN - 685 584. 2 ELSY JOSE, W/O. JOSE, KOCHUPARAMBIL (H),PUTHUPARIYARAM P.O., CHOTTOOR, THODUPUZHA,PIN - 685 584. BY ADVS. SRI.S.ANANTHAKRISHNAN SRI.N.K.SUBRAMANIAN SRI.S.SATHYAN LA.App..No.256 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 73/2014 DATED 30-11-2016 APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PAINAVU,IDUKKI. 2 THE EXECUTIVE ENGINEER PWD ROADS DIVISION, PAINAVU.P.O.,IDUKKI RESPONDENT/CLAIMANT:

VASUMATHY, W/O. NARAYANAN,PUTHUKKATTUPARAMBIL(H),ARIKUZHA KARA,PIN-685608,MANAKKAD VILLAGE,THODUPUZHA.

BY ADVS. SRI.T.R.S.KUMAR SRI.P.B.PRADEEP SRI.K.RAJAN SMT.DEENA JOSEPH SRI.T.K.SHAJITH LA.App..No.262 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 169/2013 DATED 30-11-2016 APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PAINAVU IDUKKI. 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI BY ADVS. RESPONDENT/CLAIMANT: MOTHER SUPERIOR ST.MARY'S PROVINCE,ARADHANA MADAM, CHITTOOR KARA, MANAKKAD - 685 608 BY

ADVS. SRI.DOMSON J.VATTAKUZH Y SRI.S.SATHYAN LA.App..No.266 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 72/2014 DATED 30-11-2016 APPELLANTS/RESPONDENTS:

1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI CIVIL STATION, PAINAVU, KUILIMALA, 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI
RESPONDENT/CLAIMANT: VASUMATHY. W/O.NARAYANAN, PUTHUKKATTUPARAMBIL (H), ARIKUZHA KARA, PIN-685 608, MANAKKAD VILLAGE, THODUPUZZHA.

LA.App..No.290 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 60/2014 DATED 30-11-2016 APPELLANTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, PAINAVU, IDUKKI. 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI
RESPONDENT/CLAIMANT: SOJAN , S/O.POULOSE, THOTTIYIL (H), ARIKUZHA KARA, THODUPUZZHA 685584 SRI.ANIL PRASAD FOR R1 LA.App..No.429 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 101/2014 DATED 30-11-2015 APPELLANT/CLAIMANT:

MOLLY, D/O. VARGHESE, AMBATTU, AMAYAPRA, UDUMBANNOOR, HAVING HER PRESENT ADDRESS AMBATTUKKITTIL (H), ACHANKAVALA, MADAKKATHANAM. BY ADV. SMT.A.K.PREETHA
RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION COMPLEX, PAINAVU, KUILIMALA, IDUKKI. 2 THE EXECUTIVE ENGINEER PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI. LA.App..No.437 OF 2017 AGAINST THE JUDGMENT AND DECREE IN LAR 28/2014 DATED 21-12-2015 APPELLANT/CLAIMANT AND ADDITIONAL CLAIMANTS: 1 PRATHAP, S/O ABRAHAM, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA (REPRESENTING HIMSELF AS CLAIMANT AND AS LEGAL HEIR OF VARGHESE ABRAHAM, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE REFERENCE COURT) 2 LEELAMMA ABRAHAM, W/O LATE. ABRAHAM, PLACHERIKUNNU

PUTHENPURAYIL, ARIKUZHA (LEGAL HEIR OF VARGHESE ABRAHAM, PLACHERIKUNNU PUTHENPURAYIL,ARIKUZHA WHO DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE REFERENCE COURT) 3 PRADEEP ABRHAM JAMES, S/O LATE. ABRHAM, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA (LEGAL HEIR OF VARGHESE ABRAHAM, PLACHERIKUNNU PUTHENPURAYIL,ARIKUZHA WHO DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE REFERENCE COURT) BY ADV. SMT.A.K.PREETHA RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION COMPLEX, PAAINAVU, KUILIMALA,IDUKKI.685602. 2 THE EXECUTIVE ENGINEER, PWD (ROADS)DIVISION, PAINAVU P.O, IDUKKI 685602. LA.App..No.35 OF 2018 AGAINST THE JUDGMENT AND DECREE IN LAR 13/2014 DATED 21-12-2015 APPELLANT/CLAIMANT AND ADDITIONAL CLAIMANTS: 1 SUNU JAMES, S/O. JAMES, PLACHERIKUNNU PUTHENPURAYIL, (VELLAMATTATHIL), ARIKUZHA. 2 SIMI VINU, W/O. LATE VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL, (VELLAMATTATHIL), ARIKUZHA (LEGAL HEIR OF VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE REFERENCE COURT) 3 ROHIT VINU (MINOR) S/O. LATE VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL, (VELLAMATTATHIL), ARIKUZHA (LEGAL HEIR OF VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE REFERENCE COURT) REPRESENTED BY HIS MOTHER AND LEGAL GUARDIAN SIMI VINU. 4 ROSH VINU (MINOR) S/O. LATE VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL, (VELLAMATTATHIL), ARIKUZHA (LEGAL HEIR OF VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE REFERENCE COURT) REPRESENTED BY HIS MOTHER AND LEGAL GUARDIAN SIMI VINU. 5 THANKAMONY, M/O. LATE VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL, (VELLAMATTATHIL), ARIKUZHA (LEGAL HEIR OF VINU JAMES, PLACHERIKUNNU PUTHENPURAYIL, ARIKUZHA WHO DIED DURING THE PENDENCY OF PROCEEDINGS BEFORE THE REFERENCE COURT) BY ADV. SMT.A.K.PREETHA RESPONDENTS/RESPONDENTS: 1 STATE OF

KERALA REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION COMPLEX, PAINAVU, KUILIMALA, IDUKKI - 685 603. 2 THE EXECUTIVE ENGINEER, PWD (ROADS) DIVISION, PAINAVU P.O., IDUKKI - 685 603. LA.App..No.67 OF 2018 AGAINST THE JUDGMENT AND DECREE IN LAR 74/2014 DATED 26-03-2016 APPELLANT/CLAIMANT: SMT.BHARATHI W/O. MADHAVAN, POOVATHUMKUNNEL HOUSE, ARIKKUZHA P.O., MANAKKAD VILLAGE, THODUPUZHA TALUK, PIN - 685 608.

BY ADV. SMT.ANU S NAIR RESPONDENT/RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI - 685 603. 2 THE EXECUTIVE ENGINEER, PWD ROAD DIVISION, PAINAV P.O., PIN - 685 603, IDUKKI. LA.App..No.81 OF 2018 AGAINST THE JUDGMENT IN LAR 183/2013 OF SUB COURT,THODUPUZHA DATED 30.03.2016 APPELLANTS/RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR,CIVIL STATION COMPLEX, PAINAVU P.O., KUILIMALA.

2 THE EXECUTIVE ENGINEER, PWD (ROADS) DIVISION, PAINAVU P.O.,IDUKKI. RESPONDENT/CLAIMANT: SRI. THOMAS (JOY) S/O. PAULOSE, MOOZHAKACHALIL (H), ARIKKUZHA-685 608. BY ADVS. SRI.RAJESH VIJAYAN SRI.S.SATHYAN LA.App..No.173 OF 2018 AGAINST THE JUDGMENT AND DECREE IN LAR 117/2014 OF SUB COURT,THODUPUZHA DATED 22.02.2016 APPELLANT/CLAIMANT: P.N. NATESAN, S/O.NARAYANAN, PUTHENPURAYIL, CHITTOOR KARA, MANAKKAD VILLAGE. BY ADV. SRI.DOMSON J.VATTAKUZHAY RESPONDENTS/RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI, CIVIL STATION COMPLEX, PAINAVU POST, KUILIMALA. 2 THE EXECUTIVE ENGINEER P.W.D. (ROADS) DIVISION, PAINAVU, POST, IDUKKI. LAA Nos.36 & 332 of 2016, L.A.A Nos.126, 137, 141, 148, 164, 181, 208, 225, 248, 256, 262, 266, 290, 429 & 437 of 2017 and L.A.A Nos.35, 67, 81 & 173 of 2018

JUDGMENT

These appeals are directed against the decrees and judgments in a batch of references under Section 18 of the Land Acquisition Act, 1894 (the Act) in respect of lands acquired for widening Thodupuzha-Ramamangalam Road (Reach II) pursuant to a notification issued under the Act on 03.03.2010. Among the appeals, L.A.A Nos.126, 137, 141, 148, 164, 181, 208, 225, 248, 256, 262, 266, 290 of 2017 and 81 of 2018 are by the State and the remaining appeals are by the claimants in the proceedings. The Land Acquisition Officer divided the lands into five categories and the lands involved in these matters are lands brought under Category 1B. The land value fixed by the Land Acquisition Officer for the lands included in category 1B is Rs.55,556/- per Are. On reference, the reference court enhanced and re-fixed the land value between Rs.2,02,290/- to Rs.3,68,802/- per Are. The claimants as also the State are aggrieved by the land value fixed by the reference court and hence these appeals.

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

3. It is seen that there was a batch of references in

respect of the lands acquired for the same purpose, pursuant to the same notification by including in different categories. Though the references were not jointly tried, it is seen that the claimants sought enhanced compensation in all the proceedings mainly based on four documents, viz, certified copy of sale deed No.1142 of 2012 of Thodupuzha SRO dated 12.4.2012, a copy of the order issued by the Government on 27.3.2013, approving the land value fixed for negotiated purchase of a few lands situated at Arakuzha Village for the development of Ernakulam - Thekkady Highway, and the judgments of this court in respect of lands acquired for a different purpose, in LAA No.399 of 2013 and 532 of 2013. The oral evidence tendered by the claimants is also on the same lines specifying the locational importance of the acquired lands. The reference court took the view that the documents relied on by the claimants except sale deed No.1142 of 2012 cannot be accepted for the purpose of fixing the land value of the acquired lands. Consequently, even though the sale deed referred to above is a post notification sale deed, the reference court fixed the land value for almost all the lands falling

under category 1A at Rs.3,68,802/- per Are and based on the said valuation, fixed the land value for the lands included in category 1B at 25% below the land value fixed for the lands included in category 1A. As the matters were not tried together, in a few references, different land values were also fixed. Be that as it may. In terms of the judgment in LAA No.150 of 2017 and connected cases pertaining to lands acquired for the same purpose, pursuant to the same notification by including in category 1A, I have held that the land value fixation made for the said properties by the reference court based on sale deed No.1142 of 2012 cannot be accepted. I have also found that the land value fixed by the Land Acquisition Officer is also not correct and liable to be revised. In the light of the said findings, I have remitted those matters for fresh disposal to the reference court. In so far as the basis of the fixation of land value made in these matters are the land value shown in sale deed No.1142 of 2012 and the land value fixed for the lands included in category 1A, according to me, these matters are also liable to be remitted for fresh disposal. In the result, the land acquisition appeals are allowed and the matters are remitted for fresh disposal to the reference court. The appellants in LAA Nos.36 and 332 of 2016, 429 and 437 of 2017, 35, 67 and 173 of 2018, will be entitled to refund of the court fee paid on the memoranda of appeals. All the interlocutory applications in the appeals are closed. Sd/-
P.B.SURESH KUMAR Mn JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com