

Executive Engineer vs B.E.Muhammed Kunju

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SooperKanoon Citation : sooperkanoon.com/1897549

Court : Kerala

Decided On : Mar-14-2019

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

Appeal No. : LA.App./736/2013

Appellant : Executive Engineer

Respondent : B.E.Muhammed Kunju

Judgement :

LA.App..No. 827 of 2012 AGAINST THE JUDGMENT AND DECREE IN LAR 70/2010 of SUB COURT, KASARAGOD DATED 24-03-2012 APPELLANTS/RESPONDENTS IN L.A.R: 1 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KASARAGOD. PWD DIVISION, KASARGOD. 3 THE SPECIAL TAHSILDAR, LA, KASARGOD. SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL SRI.SHYAMJI.RAM, GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS IN L.A.R: 1 MADHAVI W/O. LATE K.KUNHIRAMAN, RESIDING AT KANNIKULANGARA P.O., UDUMA VILLAGE, KASARGOD-671 121. 2 SATHEESH KUMAR S/O. MADHAVI, RESIDING AT KANNIKULANGARA P.O., UDUMA VILLAGE, KASARGOD-671 121. 3 SUNITHA KUMARI D/O. MADHAVI, RESIDING AT KANNIKULANGARA P.O., UDUMA VILLAGE, KASARGOD-671 121.

4 RATHEESH BABU S/O. MADHAVI, RESIDING AT KANNIKULANGARA P.O., UDUMA VILLAGE, KASARGOD-671 121. 5 SHAJI S/O. MADHAVI, RESIDING AT KANNIKULANGARA P.O., UDUMA VILLAGE, KASARGOD-671 121. SRI.V.N.MOHAN RAJ SRI.C.K.SREEJITH

14.03.2019, ALONG WITH LA.App..87/2013, LA.App..497/2013,

LA.App..No. 87 of 2013 AGAINST THE JUDGMENT AND DECREE IN LAR 69/2010 of SUB COURT, KASARAGOD DATED 21-07-2012 APPELLANTS/RESPONDENTS IN L.A.R: 1 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KASARGOD. PWD DIVISION, KASARGOD. 3 THE SPECIAL TAHSILDAR, LA, KASARGOD. BY ADV. SRI.SHYAMJI.RAM,GOVERNMENT PLEADER RESPONDENT/CLAIMANT IN L.A.R: M.A.HASSAN S/O.(L).M.ABBAS, FATHIMA MANZIL, UDMA,UDMA VILLAGE, PIN 670 319. BY ADV. SHRI.JAWAHAR JOSE

14.03.2019, ALONG WITH LA.App..827/2012, LA.App..497/2013, LA.

LA.App..No. 497 of 2013 AGAINST THE JUDGMENT AND DECREE IN LAR 37/2010 of SUB COURT, KASARAGOD DATED 11-04-2012 APPELLANTS/RESPONDENTS IN L.A.R: 1 STATE OF KERALA REPRESENTED BY DISTRICT COLLECTOR, KASARGOD. PWD ROADS DIVISION, KASARGOD. 3 THE SPECIAL TAHSILDAR LA, KASARGOD. BY ADV. SRI.SHYAMJI.RAM,GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS IN L.A.R: 1 NARAYANAN, S/O.AYYAPPU, DIVYA NILAYA, VALLIYOTVALAPPU, UDMA VILLAGE-671319. 2 KUNHIRAMAN, S/O.AYYAPPU, DIVYA NILAYA, VALLIYOTVALAPPU, UDMA VILLAGE-671319. 3 KUNHIKANNAN, S/O.AYYAPPU, DIVYA NILAYA, VALLIYOTVALAPPU, UDMA VILLAGE-671319. 4 SMT.ROHINI, W/O.MADHAVAN NHEKLI, PANAYAL VILLAGE- 671318. 5 SMT.RATHNAVALI W/O.KUNHUNNI, EDAT, AJANNUR VILLAGE-671531. BY ADV. SHRI.JAWAHAR JOSE LA.App..667/2013, LA.App..736/2013, LA.App..744/2013, LA.App..792/2013, LA.App..802/2013, LA.App..814/2013, LA.App..No. 667 of 2013 AGAINST THE JUDGMENT AND DECREE N LAR 36/2010 of SUB COURT, KASARAGOD DATED 28-05-2012

APPELLANTS/RESPONDENTS: 1 SPECIAL TAHSILDAR (LA), KASARAGOD. PWD, ROADS DIVISION, KASARAGOD. BY ADV. SRI.SHYAMJI.RAM,GOVERNMENT PLEADER RESPONDENT/CLAIMANT:

K.BALAKRISHNAN S/O.(LATE) RAMAN, "SREEPRABHA", KANNIKULANGARA, POST-UDMA, UDMA VILLAGE, HOSDURG TALUK 671319

BY ADV. SHRI.JAWAHAR JOSE LA.App..497/2013, LA.App..736/2013, LA.App..744/2013, LA.App..792/2013, LA.App..802/2013, LA.App..814/2013, LA.App..No. 736 of 2013 AGAINST THE JUDGMENT AND DECREE IN LAR 75/2011 of SUB COURT, KASARAGOD DATED 13-12-2012

APPELLANTS/RESPONDENTS IN L.A.R: 1 THE EXECUTIVE ENGINEER PWD ROADS, KASARAGOD. 2 THE DISTRICT COLLECTOR KASARGOD. SRI.SHYAMJI.RAM,GOVERNMENT PLEADER RESPONDENT/CLAIMANT IN L.A.R: B.E.MUHAMMED KUNJI S/O. IBRAHIM, BERKA MANZIL, MADATHIL POST,VILLAGE KALANAD - 671 317. LA.App..497/2013, LA.App..667/2013, LA.App..744/2013, LA.App..792/2013, LA.App..802/2013, LA.App..814/2013, LA.App..No. 744 of 2013 AGAINST THE JUDGMENT AND DECREE IN LAR 35/2010 of SUB COURT, KASARAGOD DATED 16-02-2012

APPELLANTS/RESPONDENTS: 1 THE SPECIAL TAHSILDAR (LA), KASARAGOD. PWD ROADS DIVISION, KASARAGOD SRI.SHYAMJI.RAM, GOVERNMENT PLEADER RESPONDENT/CLAIMANT: M.MOHAMMED KUNHI S/O M. IBRAHIM, KANNIKULANGARA P.O, UDUMA VILLAGE LA.App..497/2013, LA.App..667/2013, LA.App..736/2013, LA.App..792/2013, LA.App..802/2013, LA.App..814/2013, LA.App..No. 792 of 2013 AGAINST THE JUDGMENT AND DECREE IN LAR 40/2010 of SUB COURT, KASARAGOD DATED 20-12-2011
APPELLANTS/RESPONDENTS: 1 SPECIAL TAHSILDAR (LA), KASARAGOD PWD, ROADS DIVISION, KASARAGOD. SRI.SHYAMJI.RAM, GOVERNMENT PLEADER RESPONDENT/CLAIMANT:

T.V.BALAKRISHNAN S/O.(LATE) APPA, NOW AT MANIKANDA NIVAS, BELIKOTH, P.O.AJANUR, AJANUR VILLAGE PIN-671531

BY ADV. SHRI.JAWAHAR JOSE LA.App..497/2013, LA.App..667/2013, LA.App..736/2013, LA.App..744/2013, LA.App..802/2013, LA.App..814/2013,

LA.App..No. 802 of 2013 AGAINST THE JUDGMENT AND DECREE IN LAR 71/2010 of SUB COURT, KASARAGOD DATED 23-02-2012 APPELLANTS/RESPONDENTS: 1 THE SPECIAL TAHSILDAR (LA) KASARAGOD. PWD ROADS DIVISION, KASARAGOD. 3 THE DISTRICT COLLECTOR KASARAGOD. BY ADV. SRI.SHYAMJI.RAM, GOVERNMENT PLEADER RESPONDENTS/CLAIMANTS: 1 T.V.KUNHIKANNAN S/O. APPA(LATE), THAIVALAPPU UDUMA. 671 319. 2 THE MANAGER HDFC BANK, HIGHWAY ARCADE, THANA, COLLECTORATE P.O., KANNUR-670 002. SHRI.JAWAHAR JOSE FOR R1 SRI.C.P.SAJI FOR R2 LA.App..497/2013, LA.App..667/2013, LA.App..736/2013, LA.App..744/2013, LA.App..792/2013, LA.App..814/2013, LA.App..No. 814 of 2013 AGAINST THE JUDGMENT AND DECREE IN LAR 39/2010 of SUB COURT, KASARAGOD DATED 21-02-2012 APPELLANTS/RESPONDENTS: 1 THE SPECIAL TAHSILDAR (LA) KASARAGOD. PWD ROADS DIVISION, KASARAGOD. SRI.SHYAMJI.RAM, GOVERNMENT PLEADER RESPONDENT/CLAIMANT: T.V.KUNHIKANNAN S/O. APPA (LATE), THAIVALAPPU UDUMA. PIN-670319. BY ADV. SHRI.JAWAHAR JOSE LA.App..497/2013, LA.App..667/2013, LA.App..736/2013, LA.App..744/2013, LA.App..792/2013, LA.App..802/2013, LA.App..No. 149 of 2014 AGAINST THE JUDGMENT AND DECREE IN LAR 72/2011 of SUB COURT, KASARAGOD DATED 31-10-2013 APPELLANTS/RESPONDENTS: 1 THE SPECIAL TAHSILDAR, LAND ACQUISITION, KASARAGOD PWD ROADS DIVISION, KASARAGOD. 3 THE DISTRICT COLLECTOR KASARAGOD. BY ADV. SRI.SHYAMJI.RAM,GOVERNMENT PLEADER RESPONDENT/CLAIMANT: K.M.ABDULLAKUNI S/O.MOHAMMEDKUNHI, BAITHAL AYSHA, MADATHIL, KALANAD-671 317. SRI.E.M.MURUGAN SRI.P.RAKESH LA.App..497/2013, LA.App..667/2013, LA.App..736/2013, LA.App..744/2013, LA.App..792/2013, LA.App..802/2013, LA.App..814/2013, THE COURT ON THE SAME DAY DELIVERED THE L.A.A Nos.802, 497,667,744,792,814,87 & 736 of 2013, 827 of 2012 & 149 of 2014

JUDGMENT

These appeals arise from a batch of land acquisition reference cases relating to the acquisition of lands for widening a road leading to Site No.6 of Bekel Resorts Development Corporation. Notification under Section 4(1) of the Land Acquisition Act, 1894 was published in respect of the aforesaid acquisition on 13.03.2008. The Land Acquisition Officer passed a common award in all these matters on 31.10.2009, fixing the land value at Rs.57,079/- per Are. The reference court enhanced and re-fixed the land value between Rs.2,22,300/- and Rs.5,36,459/- per Are. It is aggrieved by the said re-fixation made by the reference court, the State has come up in these appeals.

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

3. When these matters were taken up, the learned

Government Pleader submitted that in respect of a property covered by the same notification, in L.A.A No.271 of 2012, a Division Bench of this court has re-fixed the land value at Rs.6,17,500/- per Are and in the light of the said re-fixation, similar appeals preferred by the State were dismissed. One of such appeals was L.A.A No.738 of 2013, and the decision therein was made available by the learned Government Pleader for perusal of the court. In so far as the land value in respect of similarly placed properties acquired for the same purpose has been re-fixed by this court at an amount far above the amount at which the reference court re-fixed the land value in the impugned judgments, these appeals are only to be dismissed and I do so. All the interlocutory applications in these appeals are closed. Sd/-
P.B.SURESH KUMAR JUDGE Mn

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