

State of Kerala Vs. K. Raghavan,

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Court : Kerala

Decided On : May-20-2010

Judge : Pius C. Kuriakose and; C.K. Abdul Rehim, JJ.

Appeal No. : L.A. App. No. 1095 of 2007

Appellant : State of Kerala

Respondent : K. Raghavan, ;k. Sarada and ;ntpc Ltd.

Advocate for Def. : Ananth, Adv.

Advocate for Pet/Ap. : Government Pleader

Disposition : Appeal allowed

Judgement :

Pius C. Kuriakose, J.

1. This appeal pertains to acquisition of land in Cheppad village at the instance of NTPC for their project at Kayamkulam. The Land Acquisition Officer categorised the land under acquisition as dry lands, reclaimed wet lands and wet lands. For dry lands the Land Acquisition Officer awarded land value at the rate of Rs. 8326/- per Are. The court on the basis of the evidence re-fixed the value of dry lands at Rs. 25,105/- per Are, thus granting an enhancement of about 201% over what was awarded by the Land Acquisition Officer. For the lands in the other two categories

i.e. reclaimed wet lands and paddy fields, the land Acquisition Officer awarded value at Rs. 3,056/- per Are and the court re-fixed the land value at Rs. 12,552/- per Are, thus granting an enhancement of 310% over what was awarded by the Land Acquisition Officer.

2. Our attention is drawn by Smt. Latha T. Thankappan, the senior Government Pleader to various judgments of this Court pertaining to acquisition of land in Cheppad and nearby villages for the same purpose pursuant to same notification. The learned Senior Government Pleader submitted that the maximum enhancement granted by this Court is 200% above what was awarded by the Land Acquisition Officer. According to her, the enhancement granted in the case of dry lands can be approved. But that in the case of reclaimed wet lands and paddy fields should be interfered with.

3. Smt. P.V. Asha, the learned Counsel for the respondent submitted that it is only a very small extent that is involved in these cases and as a special case, the impugned judgment may be sustained in full.

4. Even though Smt. Asha's submissions were persuasive, we feel that the judgment of the Reference Court to the extent the same pertains to acquisition of reclaimed wet lands and paddy fields cannot be sustained. The result is as follows:

5. The impugned judgment to the extent it pertains to re-fixation of value of dry lands at Rs. 25,105/- is confirmed. Re-fixation of value of reclaimed wet lands and paddy fields is set aside and the value of those two types of land are re-fixed at Rs. 9,500/- per Are in modification of impugned judgment. The appeal is allowed to the above extent only. Parties are directed to suffer their respective costs.

6. It is needless to mention that the claimant/respondent will be entitled for all statutory benefits on the total enhanced compensation to which they become eligible by virtue of this judgment.