

Gopikan Vs. State of Kerala and Inland Waterways Authority of India

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Court : Kerala

Decided On : May-19-2010

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

Appeal No. : L.A. App. No. 432 of 2006 (C)

Appellant : Gopikan

Respondent : State of Kerala and Inland Waterways Authority of India

Advocate for Def. : V. Santharam, SC

Advocate for Pet/Ap. : P. Gopalakrishnan Nair, Adv.

Judgement :

Pius C. Kuriakose, J.

1. The Requisitioning Authority is the appellant in LAA.799/07 and the claimant is the appellant in LAA.432/06. Both of them are aggrieved by the judgment of the Reference Court in LAR.67/01 which was in respect of acquisition of land in Thrikkunnappuzha village for the purposes of the Requisitioning Authority. Our attention is drawn by Mr. V. Santharam, the learned Standing Counsel for the Requisitioning Authority to the judgment of this Court in LAA.619/06. It is seen from that judgment which was in respect of acquisition of identical land in Thrikkunnappuzha village for the same purpose, this Court has re-fixed the value

of land at Rs. 13,795/- per Are. Learned Counsel requested that the appeal preferred by the Requisitioning Authority be allowed to the extent of re-fixing the land value at Rs. 13,795/-.

2. Opposing the above submission, the learned Counsel for the claimant (appellant in LAA.432/06) would draw our attention to the judgment of this Court in LAA Nos. 1220/05 and LAA.30/06. It was submitted that under those judgments this Court has re-fixed the value of land in Purakkad village at Rs. 14,350/- per Are. According to the learned Counsel, the properties in Purakkad village as well as those in Thrikkunnappuzha village are identical having the same potentialities. There is every justification for adopting the same rate for land in both these villages. We are unable to accept the submission of the learned Counsel for the appellant in LAA.432/06. Even though, the villages may be near to each other, there is slight variation between the market value of the lands in these villages. This Court has already found by judgment in LAA.619/06 that Rs. 13795/- per Are is the correct market value of the property in Thrikkunnappuzha village and that judgment has become final. Under these circumstances, we are inclined to follow the judgment in LAA.619/06 and allow LAA.799/07 to the extent of modifying the impugned judgment and re-fixing the value of land at Rs. 13,795/- per Are. LAA.432/06 will stand dismissed. It is needless to mention that the claimant will be entitled for all statutory benefits to which he becomes eligible by virtue of this judgment. Parties are however, directed to suffer their respective costs.