

(2011) 07 KL CK 0184
In the High Court Of Kerala
Case No : L.A.A. No. 1328 of 2007

A. George

APPELLANT

Vs

The Special Tahasildar, The General Manager and The District
Collector

RESPONDENT

Date of Decision : 20-07-2011

Acts Referred:

Citation : (2011) 07 KL CK 0184

Hon'ble Judges : Pius C. Kuriakose, J;C.K. Abdul Rahim, J

Bench : Division Bench

Advocate : M.P. Ramnath, for the Appellant; Government Pleader, for the
Respondent

Judgement

Pius C. Kuriakose, J.—On behalf of the claimant an adjournment is sought for. But, we are not inclined to grant adjournment as we notice that the issue raised in this appeal is covered by the judgment of this Court.

2. The case pertains to acquisition of land at Puzhakkal padom within the area of Thrissur Corporation pursuant to Section 4 (1) notification published on 4/7/2000. The Land Acquisition Officer awarded land value at the rate of Rs. 1,500/-per cent. The Reference Court under the impugned judgment refixed the land value at Rs. 2850/- per cent.

3. We notice the judgment of this Court in L.A.A. No. 515/2006 wherein, considering the acquisition of identical and adjacent lands acquired pursuant to Section 4 (1) notification published on 4/10/1999, this Court had refixed the land value from Rs. 1380/- per cent to Rs. 8050/- per cent. A copy of the above judgment is placed before us. We have gone through the same. We are of the view that for the various reasons stated in that judgment, this appeal is liable to be allowed considerably.

4. Allowing this appeal, we refix the market value of the land under acquisition at Rs. 8100/- per cent. The Appellant will be entitled for all statutory benefits also.

However, while provision is made in the decree for interest u/s 28, the Section will have due regard to the conditions imposed by this Court in its order dated 12/11/2009 in C.M. Appln. No. 1537/2007. The Section will issue decree copy to the Appellant only after ensuring that the full court fee payable on the appeal memorandum is remitted.

Parties are directed to suffer their respective costs.