
(2011) 05 KL CK 0160
In the High Court Of Kerala
Case No : LA App. No. 594 of 2010 (C)

Harishankar Pillai

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 30-05-2011

Acts Referred:

Citation : (2011) 05 KL CK 0160

Hon'ble Judges : Pius C. Kuriakose, J;N.K. Balakrishnan, J

Bench : Division Bench

Advocate : John Britto, for the Appellant; No Appearance, for the Respondent

Final Decision : Allowed

Judgement

Pius C. Kuriakose, J.—The claimant is in appeal. The case pertains to acquisition of land in Thrikkadavur Village of Kollam District for the purpose of construction of National Highway Bye-pass, Kollam. The acquisition was pursuant to Section 4(1) Notification published on 3-2-1996. The L.A. Officer awarded land value at the rate of Rs. 10,893/- per Are. Our attention is drawn by Sri. C.A. Rajeev to the judgment of this Court in LAA. No. 175 of 2011. Sri. Rajeev submitted that in that case which pertains to acquisition for the same purpose in the same village, but pursuant to a notification which is some 1 = months subsequently, this Court has granted 152% increase. Sri. Rajeev requested that the same percentage of increase be given. There is no serious opposition to the above request from the side of the Government. Under the above circumstance, relying on the judgment in LAA. No. 175 of 2011 we are inclined to grant proportionate increase.

2. Accordingly, this appeal is allowed re-fixing the value of the land at Rs. 27,450/- per Are. The Appellant will be entitled for all statutory benefits also. However, while interest is provided u/s 28 when the decree is drafted, the section will have due regard to the conditions imposed by this Court by its order in C.M. Application No. 918/10 dated 19-11-2010. The registry will issue decree copy only after ensuring that the above conditions are complied with and the entire

court fee is remitted on the appeal memorandum. The parties are directed to suffer their respective costs in this appeal.