
(2010) 03 KL CK 0055
In the High Court Of Kerala
Case No : L.A. App. No. 134 of 2010

Iyyappalli Janaki

APPELLANT

Vs

Special Tahsildar, L.A. Airport

RESPONDENT

Date of Decision : 09-03-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 23, 28, 4

Citation : (2010) 03 KL CK 0055

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

Bench : Division Bench

Advocate : K.V. Pavithran, for the Appellant; No Appearance, for the Respondent

Judgement

Pius C. Kuriakose, J.—This appeal by the claimant pertains to acquisition of land for the purpose of Kannur Airport pursuant to Section 4(1) notification published on 9/3/1998. The Land Acquisition Officer awarded land value at the rate of Rs. 682/- per cent. The Reference Court under the impugned judgment refixed the land value at Rs. 1,500/- per cent.

2. Our attention is drawn by Mr. K.V. Pavithran, learned Counsel for the appellant to the judgment of this Court in L.A.A. No. 1696/2008 and a number of other cases where this Court has approved refixation of the land value of identical lands acquired for the same purpose pursuant to the same notification at Rs. 3000/- per cent. The learned senior Government Pleader Sri Basant Balaji also would fairly concede that the judgment of this Court refixing the land value at Rs. 3000/- in identical cases has attained finality.

3. Under the above circumstances, we do not find any reason as to why the appeal should not be allowed and the land value refixed at the rate of Rs. 3000/- per cent. Accordingly, in modification of the impugned judgment and decre, we refix the value of land under acquisition at Rs. 3000/- per cent.

4. The appeal is allowed to the above extent. It is needless to mention that the appellant/claimant will be entitled for all statutory benefits admissible u/s 23(2),

23(1A) and Section 28 of the Act on the total enhanced compensation to which she becomes eligible by virtue of this judgment. The parties are directed to suffer their costs.

While drafting the decree, the Registry will have due regard to the conditions imposed by us in the order condoning the delay caused in the matter of filing the appeal. The balance court fee will be remitted within one month from today. The Registry will issue decree copy only upon the balance court fee being remitted.