
(2011) 03 KL CK 0063
In the High Court Of Kerala
Case No : LA. App. No. 343 of 2010

Joseph Yudathadevoose @ Sajan

APPELLANT

Vs

State of Kerala and Kaduthuruthy Grama Panchayath

RESPONDENT

Date of Decision : 30-03-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 23(2), 28

Citation : (2011) 03 KL CK 0063

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

Bench : Division Bench

Advocate : John Joseph Vettikad, for the Appellant; S. Sachithananda Pai, for the Respondent

Final Decision : Allowed

Judgement

Pius C. Kuriakose, J.—This is an appeal by the claimant and it pertains to acquisition of land pursuant to Section 4(1) notification published on 5.11.2003 for the purpose of establishment of Government Polytechnic at Kaduthuruthi. The acquired properties were included in three different categories. First category was wet lands or "nilams". For this category the Land Acquisition Officer awarded a land value of Rs. 926/- per Are. Reclaimed land with rubber trees were included in Category II and for this category the Land Acquisition Officer awarded land value at the rate of Rs. 3,707 per Are. Third category was reclaimed land with coconut cultivation. For this category the Land Acquisition Officer awarded land value at the rate of Rs. 1,335/- per Are.

2. Before the reference court the Appellant produced Ext.A1 document. Though the Court below was not impressed by the document produced ultimately what the Sub Court did was applying rule of thumb and enhance land value of all the three categories by 35%.

3. In this appeal various grounds are raised challenging what is described as the gross inadequacy in the rate redetermined by the Court below. Sri. John Joseph

Vettikkad, learned Counsel for the Appellant would address very strenuous arguments before us. It was submitted that the property was situated very near Vaikom town and that Vaikom Road Railway Station is in close proximity to the acquired property. According to him Ext.A1 should have been relied upon.

4. Smt. Latha. T. Thankappan, senior Government Pleader would draw our attention to the judgment in L.A.A.339/10. We find under that judgment this Court has refixed the value of the third category involved in this case as "nilam" at Rs. 2524/- per Are. Necessarily "nilam" involved in this case for which Land Acquisition Officer awarded a land value of Rs. 926/- per Are, will have to be given land value of Rs. 2,525/- per Are. We refix value of "nilam" at Rs. 2,525/- per Are. According to us slight proportionate increase has to be given to the other two categories also namely reclaimed land with rubber trees and reclaimed lands with coconut cultivation. For the II category the Land Acquisition Officer awarded at the rate of Rs. 3,707/- per Are. We refix the land value at Rs.11,121/- per Are for property Category No. II. For the third category, reclaimed land with coconut cultivation, we refix the land value at the rate of Rs. 4,005/- per Are.

5. The appeal is allowed as above. The compensation due to the Appellant will be calculated on the above basis on the total refixed compensation to which the Appellant becomes eligible by virtue of this judgment, the Appellant will be entitled to all statutory benefits admissible under Sections 23(2), 23(1A) and Section 28 of Land Acquisition Act. Parties are directed to suffer their respective costs.