
(2011) 05 KL CK 0166
In the High Court Of Kerala
Case No : LA. App. No. 1769 of 2007

K.S. Gopakumar	Vs	APPELLANT
State of Kerala and The Chief Executive Officer		RESPONDENT

Date of Decision : 24-05-2011

Acts Referred:

Citation : (2011) 05 KL CK 0166

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

Bench : Division Bench

Advocate : M. Hemalatha, for the Appellant; P.A. Ahamed, SC, for the Respondent

Final Decision : Allowed

Judgement

Pius C. Kuriakose, J.—The claimant whose properties in Kazhakkootam-Menamkulam village was acquired pursuant to Section 4(1) notification published on 05/04/94 for the purpose of Electronic Technopark at Kazhakkootam being aggrieved by the award passed by the Reference Court u/s 18 is in appeal. The Appellant's property was included in category-11 and he was awarded land value at the rate of Rs. 11,380/- per Are. The Reference Court under the impugned judgment re-fixed the value at Rs. 14,794/- per Are.

2. In this appeal various grounds are raised assailing the judgment of the Reference Court and Smt. M. Hemalatha, the learned Counsel for the Appellant addressed arguments based on those grounds. The argument of Smt. Hemalatha were resisted by Sri. P.A. Ahammad, the learned Standing Counsel for the Requisitioning Authority who was supported by the learned Government Pleader. We notice judgment of this Court in L.A.A. Nos. 18, 93, 94 and 955 of 2008 and find that for properties in Category-8 acquired for the same purpose pursuant to the same notification for which the Land Acquisition Officer has awarded land value at Rs. 14,874/- this Court has approved re-fixation of the value at Rs. 24,710/-. We notice that the ratio fixed by the Land Acquisition Officer between the values of properties in category-8 and 11 was 100:76. Following that ratio

and relying on the judgment in L.A.A. 491/07 we allow this appeal to the extent of re-fixing the market value of the land under acquisition at Rs. 18,779/-. The Appellant will be entitled for all statutory benefits also. However, while interest u/s 28 is calculated, the period by which the appeal was delayed will be excluded and decree copy will be issued only after ensuring that all the conditions imposed on the delay petition have been complied with and that the full court fee payable on the appeal memorandum has been remitted.

3. The appeal is allowed to the above extent, however without any order as to costs.