

(2010) 07 KL CK 0120
In the High Court Of Kerala
Case No : L.A. App. No. 750 of 2010

Kuttichi Viswan (died) and Others

APPELLANT

Vs

The Special Tahsildar for Land

RESPONDENT

Date of Decision : 28-07-2010

Acts Referred:

Citation : (2010) 07 KL CK 0120

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

Bench : Division Bench

Advocate : Anil George, for the Appellant; No Appearance, for the Respondent

Final Decision : Allowed

Judgement

Pius C. Kuriakose, J.—The claimants are in appeal. They are aggrieved by the refixation of compensation by the Reference Court in this case which pertains to acquisition of land in Kodyeri village for the purpose of Malabar Cancer Centre. The Land Acquisition Officer awarded land value at the rate of Rs. 3770/- per cent. The Reference Court refixed the same at Rs. 5655/- per cent.

2. Having considered the rival submissions addressed before us by Sri. Anil George, learned Counsel for the appellants and those of Smt. R. Bindu, learned Government Pleader, we are of the view that the issue raised by the claimants in this appeal is covered in their favour by Annexure I Judgment of this Court. Relying on Annexure I Judgment, we allow this appeal and refix the market value of land under acquisition at Rs. 10,000/- per cent.

3. The appeal will stand allowed.

4. The appellants/claimants 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 they become eligible by virtue of this judgment. However, while drafting the decree, the Section will have due regard to the conditions imposed by us in our order dated 12/7/2010. The parties are directed to suffer their respective

costs.