
(2011) 06 KL CK 0015
In the High Court Of Kerala
Case No : L.A. App. No. 1714 of 2007

Reeta George

APPELLANT

Vs

The State of Kerala and The Executive Engineer

RESPONDENT

Date of Decision : 28-06-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 28

Citation : (2011) 06 KL CK 0015

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

Bench : Division Bench

Advocate : S. Abdul Salam, for the Appellant; Babu Varghese, S.C., KWA, for the Respondent

Judgement

Pius C. Kuriakose, J.—Our attention is drawn by Smt. Ambikadevi, learned standing counsel for the requisitioning authority to our own judgment in L.A.A. No. 1154/2007. She would submit that as we have already passed an order of remand in that case, it is proper that a remand order is passed in this case also.

2. For the reasons stated in our judgment in L.A.A. No. 1154/2007, the impugned judgment is also liable to be interfered with. Hence, we set aside the judgment and decree and remand LAR No. 231/2006 to the IIIrd Addl. Subordinate Judge's Court, Ernakulam. Opportunity is given to both sides for adducing evidence regarding the correct market value of the land under acquisition. The court below will have due regard to the observations of this Court in its judgment in L.A.A. No. 1154/2007 while taking fresh decision pursuant to this order of remand.

The parties will enter appearance before the Court below on 18/2/2011. As the order of remand is being passed at the instance of the Appellant and as the Appellant is responsible for not producing documents earlier, we are inclined to refund only 80% of the total court fee paid on the appeal memorandum. The Registry will refund 80% of the total court remitted on the appeal memorandum. It is also clarified that during the period from 23/6/2007 till the date of the

revised judgment to be passed by the Reference Court, enhanced compensation if any to be awarded to the Appellant by the Court below will not carry interest otherwise admissible u/s 28 of the L.A Act.