

(2021) 03 KL CK 0219

In the High Court Of Kerala

Case No : Land Acquisition Appeal No. 227 Of 2020

Saseendran

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 19-03-2021

Acts Referred:

Land Acquisition Act, 1894 — Section 4(1)

Citation : (2021) 03 KL CK 0219

Hon'ble Judges : A. Hariprasad, J; Ziyad Rahman A.A, J

Bench : Division Bench

Advocate : Basant Balaji, Josh Rajan

Final Decision : Allowed

Judgement

Ziyad Rahman A.A, J

1. Appellant/claimant filed this appeal challenging judgment and decree in L.A.R.No.41/2011 of the II Addl.Sub Judge, Thiruvananthapuram. An extent of 0.90 Ares of land comprised in Sy.No.524/3 Block-18 (LA Re-survey No.524/18) of Attipra Village was acquired for widening of Ulloor-Akkulam-Kuzhuvila NH Bye Pass Road. The notification under Section 4(1) of the Land Acquisition Act was published on 12.12.2007. An award was passed by the Land Acquisition Officer, fixing the land value at Rs.2,20,668/- per Are. The reference court enhanced the same by re-fixing the value as Rs.24,17,000/- per Are.

2. When the matter came up for consideration, it was pointed out by the learned counsel for the appellant that, the issue is covered as per various judgments including L.A.A.No.227/2018, which is arising from acquisition proceedings in respect of the very same notification and category of land. In the aforesaid judgment, this Court re-fixed the land value at Rs.30,18,300/- per Are. It is evident from the perusal of the records that the valuation made by the Land Acquisition Officer and also by the reference court in this case were exactly that of the case decided by this Court in L.A.A.No.227/2018. Therefore, it is

appropriate that the said fixation of land value be followed in this case also. In L.A.A.No.227/2018, the land value has been enhanced and re-fixed by this Court as Rs.30,18,300/- per Are. Accordingly, this appeal is allowed, re-fixing the value as Rs.30,18,300/- per Are. The appellant shall be entitled to all statutory benefits.

3. There was a delay of 1840 days in filing the appeal. As per the order dated 27.11.2020 in C.M.Appln.No.1/2020, this Court condoned the said delay on condition that the appellant/claimant will not be entitled for interest for the period of delay. In the above circumstances, it is made clear that the appellant shall not be entitled for interest on the amount for the said period.

Appeal is allowed to that extent.