

(2012) 03 KL CK 0135
In the High Court Of Kerala
Case No : LA. App. No. 44 of 2012

State of Kerala

APPELLANT

Vs

Bindhu K.G.

RESPONDENT

Date of Decision : 07-03-2012

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (2012) 03 KL CK 0135

Hon'ble Judges : Pius C. Kuriakose, J;C.T. Ravi Kumar, J

Bench : Division Bench

Advocate : C.R. Syamkumar, Govt. Pleader, for the Appellant;

Judgement

Justice Pius C. Kuriakose

1. Service is completed on the claimant, but they have not come forward to resist this appeal. Several grounds have been raised assailing the refixation of the market value by the Reference Court. Shri C.R. Syam Kumar, learned Senior Government Pleader points out that the Requisitioning Authority, the Kerala Water Authority, was not a party to the proceedings before the lower court. In view of the above submission which is correct, we are not inclined to go into the merits of the matter. We take into account the judgment of this Court in Steel Authority of India v. State of Kerala [1995 (2) KLT 683] and other decisions of the Supreme Court which takes the view that the Requisitioning Authority is a necessary party to proceedings u/s 18 of the Land Acquisition Act. Accordingly, we set aside the judgment and decree under appeal and remand L.A.R. No. 13/2009 to the Additional Sub Court, Kollam. The learned Additional Subordinate Judge is directed to implead the Kerala Water Authority, the Requisitioning Authority, as an additional party in the L.A.R. case and issue notice to them. The learned Subordinate Judge will pass a revised award after affording opportunity to all parties including the newly impleaded additional party to adduce whatever further evidence they want to for substantiating their rival contentions. The revised award will be passed on the basis of the entire evidence comes on

record. The learned Subordinate Judge will do whatever is necessary in compliance with the directions hereinabove at the earliest and at any rate within four months of receiving copy of of this judgment.