
(2012) 02 KL CK 0070
In the High Court Of Kerala
Case No : L.A.A. No. 378 of 2011 (D)

State of Kerala

APPELLANT

Vs

Raji and Vijayalekshmi

RESPONDENT

Date of Decision : 10-02-2012

Acts Referred:

Citation : (2012) 02 KL CK 0070

Hon'ble Judges : Pius C. Kuriakose, J;A.V. Ramakrishna Pillai, J

Bench : Division Bench

Advocate : C.R. Syamkumar, Government Pleader, for the Appellant;
Gopakumar R. Thaliyal, R1, R2, for the Respondent

Final Decision : Allowed

Judgement

Pius C. Kuriakose, J.—Government is in appeal. The property was in Nemom village and the acquisition was improvement of Thrikkanapuram - Poozhikunnu road. Our attention is drawn by Sri. C.R. Syamkumar, the learned Senior Government Pleader to the judgment of this Court in L.A.A.286/11 under which value of identical land acquired for the same purpose was re-fixed at Rs. 1,60,000/- per Are. The submission of the learned Senior Government Pleader was that the rate of Rs. 2 lakhs per Are awarded by the Sub Court is to be reduced to Rs. 1,60,000/- per Are.

2. Sri. Gopakumar Thaliyal appearing for the claimants/respondents submitted that this Court interfered with the award which was impugned in L.A.A.286/11 for the reason that the said award was not supported by any legal evidence. But in the present case the claimants have adduced good evidence and it was appreciating such evidence that the learned Subordinate Judge re-fixed the value at Rs. 2 lakhs per Are.

3. We have given our anxious consideration to the submissions addressed at the Bar. We have gone through the impugned award. The submission of Sri. Gopakumar that the claimants had adduced good evidence i.e. Ext.A1 which

reflected a higher value has only superficial attractiveness. We find from the award that the learned Subordinate Judge entered a clear finding that there is no comparison between property covered by Ext.A1 and the properties under acquisition. It is after saying so, that the learned Subordinate Judge re-fixed the value at Rs. 2 lakhs per Are. The significance of the judgment in L.A.A.286/11 is that for property acquired for the same purpose and considered by the Land Acquisition Officer to be of the same value for the purpose of the original award this Court has finally re-fixed the value at Rs. 1,60,000/- per Are. The probative force of the judgment in L.A.A.286/11 cannot be ignored. We follow the judgment in L.A.A.286/11.

4. The appeal is allowed. The market value of the land under acquisition is re-fixed at Rs. 1,60,000/- per Are. The claimants/respondents will be entitled for all statutory benefits on the re-fixed compensation. It is clarified that this court has not interfered with the cost awarded by the trial court in favour of the claimants/respondents.