(2010) 07 KL CK 0014

In the High Court Of Kerala

Case No : L.A. App. No. 673 of 2010 (C)

State of Kerala APPELLANT

Vs

Shalet and The Secretary RESPONDENT

Date of Decision : 02-07-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (2010) 07 KL CK 0014

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

Bench : Division Bench

Advocate : Government Pleader, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

Pius C. Kuriakose, J.—We are not inclined to entertain this appeal despite very persuasive submissions from the part of Sri. Basant Balaji, learned senior Government Pleader. The property was in Pettah Village. The acquisition was for the purpose of widening of Bakery Palayam Airport Road for TRIDA, which means that the property was already enjoying the direct frontage of the existing road. The notification u/s 4(1) was published on 25/6/2004. The Land Acquisition Officer fixed land value at the rate of Rs. 1,24,797/- per Are. The Reference Court relying on Ext.A1 judgment, under which 16 lakhs per Are had been awarded, would refix the value of land at Rs. 10 Lakhs per Are. The learned senior Government Pleader submitted that against Ext.A1 there was an appeal and that the same is pending before this Court. He submitted further that this Court interfered with the judgment in certain other cases wherein this Court, had relying on very same Ext.A1 awarded land value at the rate of Rs. 16 Lakhs by reducing the same to Rs. 14 Lakhs. The submissions of the learned senior Government Pleader are certainly attractive. But we notice that the property was situated in an important area of Thiruvananthapuram city Corporation and was already enjoying frontage of main thoroughfare. We have also taken into account our own judgment in L.A.A. No. 2008/2008 which was in respect of acquisition for the purpose of widening of road from LMS to Attakulangara. Of course, that property was much more superior in terms of locational advantages than the property in this case. But, then in that case the rate fixed by us was Rs. 24 Lakhs per Are. When we keep in mind that judgment, we feel that the present rate of 10 Lakhs per Are awarded by the learned Subordinate Judge cannot be said to be excessive. We notice that the acquisition covered by that case and the present acquisition was more or less at the same time. Hence we approve the impugned award and dismiss the appeal. No costs.

