

(2012) 02 KL CK 0119
In the High Court Of Kerala
Case No : L.A. App. No. 694 of 2011 (C)

State of Kerala

APPELLANT

Vs

Vasanthakumari and The Executive Engineer, Kstp Pulamon

RESPONDENT

Date of Decision : 10-02-2012

Acts Referred:

Citation : (2012) 02 KL CK 0119

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 and Sri. A. Chandra Babu, for the Respondent

Judgement

Pius C. Kuriakose, J.—Sri. Gopakumar R. Thaliyal, the learned counsel for the respondent sought for time. Sri. Syamkumar, the learned Senior Government Pleader submitted that this Court by judgment in L.A.A.336/11 allowed the Government's appeal and re-fixed the market value of the land under acquisition in that case comparable to the land under acquisition in the present case at Rs. 1,50,000/-. The learned Senior Government Pleader also submitted that in L.A.A. 866/10 noticing a submission made by the learned counsel for the appellant in that case, this Court did not follow the judgment fixing the land value at Rs. 1,50,000/- per Are. What this Court did was to remand the matter back to the Reference Court.

2. Under the above circumstances, we are of the view that the issue can be ordered to be re-considered by the learned Subordinate Judge. Hence, we set aside the impugned judgment and decree and remand L.A.R.39/06 to the Sub Court, Nedumangadu. It is open to the Government to place before the learned Subordinate Judge various judgments of this Court fixing market value of the comparable properties. It is open to the respondent to adduce evidence and convince the learned Subordinate Judge that the properties under acquisition is superior and claim the rate presently awarded. The parties shall appear before the learned Subordinate Judge on 29/02/12. The learned Subordinate Judge will

pass revised award after affording opportunity to both sides to adduce evidence early and at any rate before the court closes for mid-summer recess.