
(2012) 03 KL CK 0095
In the High Court Of Kerala
Case No : LA. App. No. 746 of 2011 (B)

TCDWS Ltd.

APPELLANT

Vs

State of Kerala and The Secretary, Trida

RESPONDENT

Date of Decision : 22-03-2012

Acts Referred:

Citation : (2012) 03 KL CK 0095

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

Bench : Division Bench

Advocate : Ram Mohan G, for the Appellant; C.R. Syamkumar, Sr. Govt. Pleader, for the Respondent

Final Decision : Allowed

Judgement

Pius C. Kuriakose, J.—The claimant is the appellant. The property under acquisition was in Sasthamangalam village. The purpose of acquisition was for widening of Students Centre-LMS- Vellayambalam-Sasthamangalam Public Road. The relevant Section 4(1) notification was published on 02/03/05. The Land Acquisition Officer awarded land value at the rate of Rs. 3,37,155/- per Are. The Reference Court on evaluating the evidence adduced by the parties re-fixed the land value at Rs. 4,21,443.75/- per Are. In this appeal it is urged that the rate re-fixed by the Reference Court is too low.

2. We have heard the submissions of Sri. G. Ram Mohan, the learned counsel for the appellant and Sri. C.R. Syamkumar, the learned Senior Government Pleader. Our attention was drawn by Sri. Ram Mohan to judgments of this Court in L.A.A Nos.1096/10, 638/10 and 760/11, copies of these judgments were placed before us for perusal by Sri. Ram Mohan. It is seen from these judgments that for identical lands acquired for the same purpose pursuant to the same notification this Court has re-fixed land value at Rs. 18 lakhs per Are.

3. Sri. Syamkumar would concede that the above three judgments have attained finality. Under the above circumstances, we do not see any reason as to why the

above three judgments should not be followed. We follow the above three judgments and allow the appeal and re-fix the market value of the land under acquisition at Rs. 18 lakhs per Are. The appellant will be entitled for all statutory benefits. However, while provision is made for interest u/s 28, the delay of 92 days by which the appeal was delayed will be excluded. The appeal is allowed, however without any order as to costs. Decree copy will be issued to the appellant only after ensuring that the full court fee payable on the appeal memorandum is remitted by the appellant.