

(2012) 03 KL CK 0203
In the High Court Of Kerala
Case No : LA. App. No. 2071 of 2008 (C)

The General Manager, K.S.I.D.C , Thiruvananthapuram	APPELLANT
Vs	
P.C. Sahir, Abhilash, P.O. Kuthuparamba, P.C. Sajir, Abhilash, P.O. Kuthuparamba. and The Special Tahsildar, Land Acquisition, Thalassery	RESPONDENT

Date of Decision : 07-03-2012

Acts Referred:

Citation : (2012) 03 KL CK 0203

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

Bench : Division Bench

Advocate : D. Krishnankutty Pillai and Sri. Sheejo Chacko, for the Appellant;
C.R. Syamkumar, Sr. Govt. Pleader for R3, for the Respondent

Judgement

Justice Pius C. Kuriakose

1. Even though the claimants have been served with notice they have not chosen to enter appearance before this Court in this appeal which is preferred by the Requisitioning Authority. The property was in Koothuparamba village and the acquisition was for the purpose of widening of the road from Koothuparamba to IGC at Valiyavelicham. The Land Acquisition Officer awarded land value at the rate of Rs. 3,899/- per cent. The Reference Court under the impugned award has re-fixed the same at Rs. 10,000/- per cent. We notice various judgments of this Court interfering with identical awards and remanding the cases back to the Reference Court. Accordingly, we set aside the impugned award and remand LAR.362/05 to the Sub Court, Thalassery. The Sub Court, Thalassery is directed to pass a revised award after affording opportunity to both sides to adduce further evidence if they are desirous of. As this is an open remand and the respondents are also getting the benefit of the remand, we are of the view that the respondents could not be made eligible for statutory interest during the period from 29/10/07 till date. It is accordingly ordered. Since there was some laches on the part of the appellant Requisitioning Authority in the matter of

adducing proper evidence which they could be before the Reference Court, we are inclined to refund only 75% of the court fee remitted on the appeal memo. Registry will refund only 75% of the court fee remitted on the appeal memo to the counsel for the appellant. Needful in compliance with these directions will be done by the learned Subordinate Judge early and at any rate within four months of the court re-opening after midsummer recess.