
(2010) 08 KL CK 0198
In the High Court Of Kerala
Case No : LA App. No. 770 of 2010

Thomas and Mariyam

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 04-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0198

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

Bench : Division Bench

Advocate : Philip T. Varghese, for the Appellant; No Appearance, for the Respondent

Final Decision : Allowed

Judgement

Pius C. Kuriakose, J.—As directed by us Smt. R. Bindu learned senior Government Pleader has taken notice on behalf of the Government and we have heard the submissions of Sri. Philip T. Varaghese, learned Counsel for the appellants and those of Smt. R. Bindu.

2. We notice that the issue raised in this appeal is covered against the Government by the judgment in L.A.A. No. 713/2010. Following the decision taken by us in L.A.A. No. 713/2010, we allow this appeal to the extent of refixing the market value of land under acquisition at Rs. 1,62,000/- per Are.

The appeal will stand allowed to the above extent. The appellant will be entitled for all statutory benefits admissible u/s 23(2), 23(1A) and Section 28 of the Act on the total enhanced compensation to which they become eligible by virtue of this judgment. While drafting the decree the Registry will have due regard to the conditions imposed by us in our order dated 13/7/2010 in CMP No. 1183/2010. The decree copy will be issued to the appellants only upon remittance of the full court fee payable on the appeal memorandum.

ORDER

3. Heard both sides. This application will stand allowed and the delay will stand condoned subject to the following conditions;

i). The appellants will pay a sum of Rs. 1500/- to the Government through the office of the Advocate General within seven days from today.

ii). The appellants will pay an equal amount to the High Court Legal Services Committee within the same time limit.

iii). In the event of the appeal being allowed and the appellants becoming eligible for enhanced compensation, such enhanced compensation will not carry interest otherwise admissible u/s 28 of the Act during the period of 338 days condoned by this order.

4. Annex a copy of this order to the judgment to be passed in the appeal. The Registry will send up the appeal for admission once receipts against payment of the above amounts are noticed.