

Kerala High Court

State Of Kerala vs K.J.Usha on 17 June, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

LA.App..No. 612 of 2009()

1. STATE OF KERALA, REPRESENTED BY THE
... Petitioner
2. THE CHIEF CONSERVATOR OF FOREST,(W.L.),

Vs

1. K.J.USHA, D/O. UNNIKUNHU,
... Respondent
2. K.J.BEENA, D/O. UNNIKUNHU,
3. K.J.SHAN, S/O. UNNIKUNHU,

For Petitioner :GOVERNMENT PLEADER

For Respondent : No Appearance

The Hon'ble MR. Justice PIUS C.KURIAKOSE
The Hon'ble MR. Justice P.Q.BARKATH ALI

Dated :17/06/2009

O R D E R

PIUS.C.KURIAKOSE & P.Q.BARKATH ALI, JJ.

L.A.A.No.612 OF 2009

Dated this the 17th day of June, 2009

JUDGMENT

Pius C.Kuriakose, J.

Even though Sri.Basant Balaji, learned senior Government Pleader has addressed us very strenuously, we are not inclined to admit this appeal. The acquisition was for the purpose of

Elephant Corridor in Kottiyoor Village. Relevant Section 4 (1) notification was published on 11/11/1999. The land acquisition officer awarded land value at the rate of Rs.405/- per cent. The reference court relying on Exts.A2 and report of the advocate Commissioner, refixed the land value at Rs.1000/- per cent. The advocate commissioner, who inspected the acquired property as well as Ext.A2 property, has recommended that market value is in between Rs.1000/- and Rs.1500/- per cent. In his evidence, the advocate Commissioner testified in terms of the report. Significantly, the advocate commissioner was not cross examined by the Government.

Under these circumstances, we cannot find any fault on the learned Subordinate Judge for having relied on the Commission report and Ext.A2 and refixed the land value at Rs.1000/- per cent.

The appeal will stand dismissed.

PIUS.C.KURIAKOSE, JUDGE P.Q.BARKATH ALI, JUDGE dpk