

Kerala High Court

C.Vikraman Nair vs State Of Kerala on 17 June, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

LA.App..No. 487 of 2010()

1. C.VIKRAMAN NAIR, T.C.31/1021,  
... Petitioner

Vs

1. STATE OF KERALA, REPRESENTED BY  
... Respondent

2. THE MANAGING DIRECTOR

For Petitioner :SRI.GOPAKUMAR R.THALIYAL

For Respondent : No Appearance

The Hon'ble MR. Justice PIUS C.KURIAKOSE

The Hon'ble MR. Justice C.K.ABDUL REHIM

Dated :17/06/2010

O R D E R

PIUS C.KURIAKOSE & C.K.ABDUL REHIM, JJ.

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L.A.A.No. 487 OF 2010  
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Dated this the 17th day of June, 2010

JUDGMENT

Pius C.Kuriakose, J.

Under challenge in this appeal preferred by the claimant is the award of the Reference Court. The case pertains to acquisition of land in Pettah village for the purpose of construction of the New International Passenger Terminal at Chackai. The Land Acquisition Officer awarded land value at the rate of Rs.74,105/- per Are. The Reference Court would refix the land value at Rs.1,11,150/- per

Are. We notice various judgments of this Court pertaining to acquisition of land in the same village for the same purpose pursuant to the same notification. It is noticed enhancement by 90% over what was awarded by the Land Acquisition Officer has been generally approved in those cases. Keeping in mind that aspect, we allow the appeal to the extent of refixing the value of the land under acquisition at Rs.1,41,000/- per Are.

2. The appeal is allowed as above. The appellant will be entitled for all statutory benefits admissible under Section 23 (2), 23(1A) and Section 28 of the Act on the total enhanced compensation to which he becomes eligible by virtue of this judgment. The parties are directed to suffer their costs.

While drafting the decree, the Registry will have due regard to the order passed by this court in C.M.Appln.767/2010.

PIUS C.KURIAKOSE, JUDGE C.K.ABDUL REHIM , JUDGE dpk PIUS C.KURIAKOSE & C.K.ABDUL REHIM, JJ.

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C.M.Appln.767/2010 in L.A.A.No.487 OF 2010

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Dated this the 28th day of May, 2010 O R D E R Pius C.Kuriakose, J.

This application seeking condonation of the delay of 937 days is very stiffly opposed by the learned senior Government Pleader. However, on the consideration that causes should be allowed to be adjudicated as far as possible on their merits rather than decided on technicalities, we are inclined to condone the delay imposing conditions.

2. This application will stand allowed subject to the following conditions:

i).The appellant shall pay a sum of Rs.3000/-(Rupees Three Thousand only) as cost to the Government through the office of the Advocate General within two weeks from today and produce receipt before this court.

ii). The appellant shall pay a further amount of Rs.2,000/-(Rupees Two Thousand only) to the High Court Legal Services Committee within the same time limit and produce receipt before this court.

ii). In the event of the appeal being allowed and the appellant becoming eligible for enhanced compensation, such enhanced compensation will not carry interest otherwise admissible under Section 28 of the Act during the period of 937 days condoned by this order.

Annex a copy of this order to the judgment to be passed in the appeal.

Upon noticing receipt against the payment of the amounts as directed above, the Registry will number the appeal and send up the same for admission.

PIUS C.KURIAKOSE,JUDGE C.K.ABDUL REHIM , JUDGE dpk