

Kerala High Court

State Of Kerala Represented By The vs C.Vijayan Asari on 30 June, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

LA.App..No. 1069 of 2008()

1. STATE OF KERALA REPRESENTED BY THE  
... Petitioner
2. THE EXECUTIVE ENGINEER, NH DIVISION,

Vs

1. C.VIJAYAN ASARI, PARAVILA VEEDU,  
... Respondent

For Petitioner : GOVERNMENT PLEADER

For Respondent : No Appearance

The Hon'ble MR. Justice KURIAN JOSEPH  
The Hon'ble MR. Justice HARUN-UL-RASHID

Dated : 30/06/2008

O R D E R

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

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L.A.A. No.1069 of 2008  
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Dated 30th June, 2008.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in LAR 141/04 on the file of the First Additional Sub Court, Thiruvananthapuram. The acquisition is for the purpose of construction of National Highway bye pass from Kovalam to Mukkola Reach I. The extent involved is only 1.11 Ares. The Land Acquisition Officer fixed the land value at Rs.75,467/- per Are. Based on the evidence of AW1 and the Advocate Commissioner, the reference court fixed the land value at Rs.1,50,000/- per Are. The claim was for an amount of Rs.5 lakhs per cent. On an appreciation of the evidence, it was

found that the property is situated in a very important locality. The court found that item No.4 mentioned in Ext.R3, which is included in category A is similar and similarly situated, as both lands are situated adjacent to the main road having road frontage. In view of the locational advantages of both properties, and the acquired property thus being similar and similarly situated as item No.4, the land value was fixed at Rs.1,50,000/- per Are. There is no evidence to the contra on the side of the respondent. Therefore, we find no merit in the appeal. It is accordingly dismissed. I.A.No.2386/08 : Dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

tgs KURIAN JOSEPH & HARUN-UL-RASHID, JJ

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L.A.A. No.1069 of 2008

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J U D G M E N T Dated 30th June, 2008.