

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE  
&  
THE HONOURABLE MR. JUSTICE P.Q.BARKATH ALI

FRIDAY, THE 29TH MAY 2009 / 8TH JYAISHTA 1931

LA.App..No. 1675 of 2008()

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( LAR.NO.157/98 OF II ADDL. SUB COURT, THIRUVANANTHAPURAM)

APPELLANT(S): RESPONDENT

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STATE OF KERALA REPRESENTED BY  
THE DISTRICT COLLECTOR,  
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI.P.K.BABU

RESPONDENT(S): CLAIMANT & ADDL.RESPONDENT NO.2

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1. SREEDEVI, PARAKOTTU VEEDU, ATTIPRA.
  2. ELECTONICS TECHNOLOGY PARKS  
(KERALA), KARIAVATTOM POST,  
THIRUVANANTHAPURAM REP.BY ITS CHIEF  
EXECUTIVE OFFICER, KG SANTHOSH KUMAR.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD  
ON 29/05/2009, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

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

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**L.A.A.No.1675 OF 2008**  
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Dated this the 29<sup>th</sup> day of May, 2009

**JUDGMENT**

Pius.C.Kuriakose, J.

This appeal by the government pertains to acquisition of land for the purpose of Electronics Techno Park at Kazhakootom. The relevant Section 4(1) notification was published on 5-4-1994. The land acquisition officer included the property in category 5 and awarded land value at the rate of Rs. 35425/- per Are. Going by the award, properties in category 5 were properties situated by the side of Kazhakootom bye-pass but lying at a level of 3 ft. below the road level and was water logged. The claimant had contended that his property should have been included in category No.1. The mahazer revealed that several yielding coconut trees were standing on the acquired property. The learned Judge seems to have accepted the claimant's case that the property was not water logged. Ext.A1 was the document mainly put in evidence by the claimants to support his claim for enhancement. Ext.A1 revealed a land value of Rs. 31555/-. The

recitals in Ext.A1 were to the effect that Ext.A1 property was also having frontage of Kazhakootom bye-pass, but was lying at a depth of 9 ft. below the bye-pass level. The learned Subordinate Judge did not award the rate reflected in Ext.A1. What was done was to rely on Ext.A1 and give an increase of 50% over what was awarded by the land acquisition officer and thus refixed the land value at Rs.54,000/- per Are.

Having considered the impugned judgment and having heard the submissions of the learned counsel for the parties, we feel that the refixation of market value for properties in category 5 by the land acquisition officer particularly in this case cannot be said to be excessive. The appeal will stand dismissed.

**PIUS.C.KURIAKOSE**  
**JUDGE**

**P.Q.BARKATH ALI**  
**JUDGE**

SV.

