

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 31ST DAY OF OCTOBER 2014/9TH KARTHIKA, 1936

LA.App..No. 826 of 2007 (B)

AGAINST THE JUDGMENT & DECREE IN LAR 421/2001 of ADL.SUB COURT,
THALASSERY DATED 06-11-2006

APPELLANT(S) /CLAIMANT:

T.H.SREEDHARAN, 'VRINDAVAN',
DHARMADAM AMSOM AND DESOM, THALASSERY TALUK
KANNUR DISTRICT.

BY ADVS.SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SMT.REKHA C.NAIR

RESPONDENT(S) /RESPONDENTS:

1. THE SPECIAL TAHSILDAR, LA,
THALASSERY.

2. DIRECTOR OF TOURISM, THIRUVANANTHAPURAM.

SR.GOVERNMENT PLEADER SRI R.PADMARAJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 31-10-2014, ALONG WITH LAA. 827/2007, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

T.R.RAMACHANDRAN NAIR & P.V ASHA, JJ.

L.A.A Nos.826 & 827 of 2007-B

Dated this the 31st day of October, 2014

JUDGMENT

Ramachandran Nair, J.

Both appeals are relating to acquisition of land for tourist purposes of a small Island popularly known as Dharmada Thuruth. In L.A.A No.826/2007, the extent involved is 0.0324 hectares (8 cents). In L.A.A No.827/2007, the property is having an extent of 0.4047 hectares (1 Acre). The land value awarded by the Land Acquisition Officer is @ Rs.2,250/- per cent, which was enhanced to Rs.4,000/- by the court below. Aggrieved by the said judgments, the claimants have filed these appeals before the Court.

2. We heard the learned counsel for the appellants and the learned Senior Government Pleader for the State. At the outset it is brought to our notice by the learned counsel for the appellants that in respect of the same acquisition, in two appeals namely L.A.A Nos.1706 and 1707 of 2007, a Division Bench of this Court has refixed the land value at Rs.7,500/- per cent.

3. The case of the claimants is that actually the place is a tourist spot which has got high potentiality to develop as a major

tourist spot in Kannur district. It is also their case that major tourist spots like Muzhappilangad drive-in-beach, Government Brennan College, Andaloor Kavu etc. are all situated within a radius of two kilometres, near the acquired land. The Highway also passes close to the acquired land. The Island is only 50 metres away from the main land.

4. All these aspects were considered by the Division Bench while deciding LAA Nos.1706 and 1707 of 2007. The Bench in the judgment after considering the importance of the locality and also the fact that the Thalassery town is only 500 metres from the place, going by the report of the Commissioner, fixed the land value at Rs.7,500/-. Since similar advantages as that of the land acquisition in these cases were therein also, the said land value can be adopted.

Accordingly we allow the appeals and the land value is fixed at Rs.7,500/- per cent. The appellants will be entitled for the statutory benefits granted by the Reference Court. No cost

Sd/-

T.R.RAMACHANDRAN NAIR
Judge

Sd/-

P.VASHA
Judge

rtr/