



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 226 OF 2020

AGAINST THE COMMON AWARD AND DECREE DATED 19.02.2020 IN LAR
NO.25 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

K.C.ALEYAS
AGED 71 YEARS
S/O.CHERIAN, KUTTISRAKUDIYIL HOUSE,
MARADY VILLAGE, RAMANGALAM KARA,
MUVATTUPUZHA P.O., MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN-686 661.

BY ADVS.
ALIAS M.CHERIAN
SMT.ANJALY ELIAS

RESPONDENTS/ RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR/
LAND ACQUISITION OFFICER,
ERNAKULAM DISTRICT,
CIVIL STATION, KAKKANAD,
ERNAKULAM DISTRICT,
PIN-682 031.
- 2 THE SPECIAL TAHSILDAR (LA) ,
NH NO.1, KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT, PIN-682 031.



L.A.A. No.226 of 2020 and
Connected cases

2

2025:KER:8449

3 THE EXECUTIVE ENGINEER,
KERALA STATE TRANSPORT PROJECT (KSTP),
OFFICE OF KSTP, MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN-686 661.

SMT. N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.51/2022 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

3

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 251 OF 2020

AGAINST THE COMMON AWARD AND DECREE DATED 24.9.2020 IN LAR
NO.31 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

SURENDRAN
S/O. PAPPU, OZHAKKANATTU HOUSE,
RAMANGALAM KARA, MARADY,
MUVATTUPUZHA 686 661

BY ADVS.
SRI. L.RAM MOHAN
SRI.M.AUBREY ABRAHAM ISAAC

RESPONDENTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY SPECIAL THAHASILDAR NH-1
KAKKANADU 682 030
- 2 KSTP
REPRESENTED EXECUTIVE ENGINEER,
ARAMANA JUNCTION, MUVATTUPUZHA 686 661

BY SMT. N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

4

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 35 OF 2021

AGAINST THE COMMON AWARD AND DECREE DATED 19.02.2020 IN LAR
NO.26 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

CLAIMANT/APPELLANT :

AMMINI,
AGED 66 YEARS
W/O. K.C.ALEYAS, KUTTISRAKUDIYIL HOUSE,
MARADY VILLAGE, RAMANGALAM KARA, MUVATTUPUZHA P.O.,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT, PIN-686661.

BY ADV ALIAS M.CHERIAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR/
LAND ACQUISITION OFFICER, ERNAKULAM DISTRICT,
CIVIL STATION, KAKKANAD, ERNAKULAM DISTRICT,
PIN-682031.
- 2 THE SPECIAL TAHSILDAR (LA),
N.H.NO.1, KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT, PIN-682031.



L.A.A. No.226 of 2020 and
Connected cases

5

2025:KER:8449

3 THE EXECUTIVE ENGINEER,
KERALA STATE TRANSPORT PROJECT (KSTP),
OFFICE OF KSTP, MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN-686661.

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

6

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 47 OF 2021

AGAINST THE COMMON AWARD AND DECREE DATED 24.9.2020 IN LAR
NO.17 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

ROBY
S/O. KRISHNAMANIYAN, OZHUKANATTU HOUSE,
MUVATTUPUZHA - 686661.

BY ADVS.
L.RAM MOHAN
SRI.M.AUBREY ABRAHAM ISAAC

RESPONDENTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY SPECIAL THAHASILDAR,
NH-1, KAKKANADU - 682 030.
- 2 KSTP
REPRESENTED EXECUTIVE ENGINEER,
ARAMANA JUNCTION, MUVATTUPUZHA - 686661.

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

7

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 202 OF 2021

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN LAR
NO.2 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

BABU ISSAC,
AGED 65 YEARS, S/O ISSAC
MUDAYAMKATTIL HOUSE, RAMANGALAM KARA,
MARADY VILLAGE, MUVATTUPUZHA,
ERNAKULAM DISTRICT-686661.

BY ADVS.
ALIAS M.CHERIAN
ANJALY ELIAS
K.M.RAPHY

RESPONDENTS/RESPONDENTS :

- 1 STATE OF KERALA,
REPRESENTED BY THE SPECIAL TAHSILDAR (LA) ,
N.H. NO. 1, KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT-682031.
- 2 THE SPECIAL TAHSILDAR (LA) ,
N.H. NO.1, KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT-682031.



L.A.A. No.226 of 2020 and
Connected cases

8

2025:KER:8449

3 THE EXECUTIVE ENGINEER,
KERALA STATE TRANSPORT PROJECT (KSTP),
OFFICE OF KSTP, MUVATTUPUZHA,
ERNAKULAM DISTRICT-686661.

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

9

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 293 OF 2021

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN LAR
NO.5 OF 2017 OF II ADDITIONAL DISTRICT COURT , ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR,
ERNAKULAM, PIN-682 032
- 2 SPECIAL TAHSILDAR (LA) ,
N.H.NO.1, ERNAKULAM, KAKKANAD,
PIN-682 032
- 3 EXECUTIVE ENGINEER,
KSTP, MUVATTUPUZHA, PIN-686 661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS :

JOY
S/O. JOSEPH AND JESSY, W/O. JOY,
THOTTATHIL HOUSE, KAVUMGARA,
MUVATTUPUZHA, PIN-686 673

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
BRISTO S PARIYARAM
NEENU ANNA BABU
AJAI ALIAS CHALAPPURAM

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 7 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 19.02.2020 IN LAR
NO.27 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

CLAIMANT/APPELLANT :

NIDHIN ELIAS
AGED 40 YEARS
S/O. K.C.ALEYAS, KUTTISRAKUDIYIL HOUSE,
MARADY VILLAGE, RAMANGALAM KARA,
MUVATTUPUZHA P.O., MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN-686661.

BY ADVS.
ALIAS M.CHERIAN
ANJALY ELIAS

RESPONDENTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR/
LAND ACQUISITION OFFICER, ERNAKULAM DISTRICT,
CIVIL STATION, KAKKANAD, ERNAKULAM DISTRICT,
PIN-682031.
- 2 THE SPECIAL TAHSILDAR (LA),
N.H.NO.1, KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT, PIN-682031.



L.A.A. No.226 of 2020 and
Connected cases

11

2025:KER:8449

3 THE EXECUTIVE ENGINEER,
KERALA STATE TRANSPORT PROJECT (KSTP),
OFFICE OF KSTP, MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN-686661.

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

12

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 13 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN LAR
NO.7 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

VIJAYAMMA
AGED 64 YEARS
W/O.PURUSHOTHAMAN NAIR, PADMAVILASAM,
VELLOORKUNNAM, KALOOR, 323, MARKET P.O.,
MUVATTUPUZHA, ERNAKULAM, PIN - 686 673.

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
ANJALY ELIAS

RESPONDENTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR/
LAND ACQUISITION OFFICER, CIVIL STATION,
KAKKANAD, ERNAKULAM, PIN - 682 031.
- 2 THE SPECIAL TAHSILDAR (LA)
N.H.NO.1, KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT, PIN - 682 031.



L.A.A. No.226 of 2020 and
Connected cases

13

2025:KER:8449

3 **THE EXECUTIVE ENGINEER**
KERALA STATE TRANSPORT PROJECT (KSTP),
OFFICE OF KSTP, MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN - 686 661.

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

**THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:**



L.A.A. No.226 of 2020 and
Connected cases

14

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 18 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 24.09.2020 IN LAR
NO.31 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS:

- 1 SPECIAL TAHSILDAR (LA)
N H NO.1 ERNAKULAM,
KAKKANAD, PIN-682032.
- 2 EXECUTIVE ENGINEER
KSTP, MUVATTUPUZHA, PIN-686661.

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENT/CLAIMANT :

SURENDRAN
S/O PAPPU, OZHUKKANATTU HOUSE,
RAMAMANGALAM KARA, MARADY,
MUVATTUPUZHA, PIN-686673.

BY ADVS.
L.RAM MOHAN
M.AUBREY ABRAHAM ISAAC

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

15

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 20 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN LAR
NO.22 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

DR.BINOY MATHEW
AGED 54 YEARS
DR.V.C.MATHEW, VALIYAKULAGARA, RAMANGALAM KARA,
MARADY, MUVATTUPUZHA, PIN-686 663

BY ADVS.
ALIAS M.CHERIAN
ANJALY ELIAS
K.M.RAPHY

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SPECIAL TAHSILDAR (LA)
N.H.NO.1 KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT, PIN-682 031
- 2 THE EXECUTIVE ENGINEER,
KERALA STATE TRANSPORT PROJECT (KSTP),
OFFICE OF KSTP, MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN-686 661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 21 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN LAR
NO.49 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR,
ERNAKULAM, PIN-682 032.
- 2 SPECIAL TAHSILDAR (LA) ,
NH NO.1, ERNAKULAM, KAKKANAD,
PIN-682 032.
- 3 EXECUTIVE ENGINEER, KSTP,
MUVATTUPUZHA, PIN-686 661.

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS :

BOBAN,
S/O.KRISHNAN, NADUKUDIYIL (H) ,
RAMAMANGALAM KARA, MARADY,
MUVATTUPUZHA, PIN-686 673.

BY ADVS.
ALIAS M.CHERIAN



L.A.A. No.226 of 2020 and
Connected cases

17

2025:KER:8449

ARUN C.S.

BRISTO S PARIYARAM

K.M.RAPHY

VIVEK RADHAKRISHNAN

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

18

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 22 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.5.2020 IN LAR
NO.7 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR,
ERNAKULAM, PIN - 682 032.
- 2 SPECIAL TAHSILDAR (LA)
N.H.NO.I, ERNAKULAM, KAKKANAD,
PIN - 682 032.
- 3 EXECUTIVE ENGINEER
KSTP, MUVATTUPUZHA, PIN - 686 661.

BY ADV N.SUDHA DEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS :

VIJAYAMMA
W/O.PURUSHOTHAMAN NAIR, PADMAVILASAM, KALOOR,
VELLOORKUNNAM, MUVATTUPUZHA, PIN - 686 669.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 26 OF 2022

AGAINST THE COMMON AWARD AND DECREE AND DECREE DATED
18.05.2020 IN LAR NO.5 OF 2017 OF II ADDITIONAL DISTRICT
COURT, ERNAKULAM

APPELLANTS/CLAIMANTS:

1 JOY
AGED 73 YEARS
S/O. JOSEPH, THOTTATHIL HOUSE, KAVUMGARA,
VELLOORKUNNAM VILLAGE, MUVATTUPPUZHA,
ERNAKULAM DISTRICT, PIN - 686669.

2 JESSY
AGED 69 YEARS
W/O. JOY, THOTTATHIL HOUSE, KUVUMGARA,
VELLOORKUNNAM VILLAGE, MUVATTUPPUZHA,
ERNAKULAM DISTRICT, PIN - 686669.

BY ADVS.
ALIAS M.CHERIAN
ANJALY ELIAS
K.M.RAPHY

RESPONDENTS/RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR /
LAND ACQUISITION OFFICER, ERNAKULAM DISTRICT,



L.A.A. No.226 of 2020 and
Connected cases

20

2025:KER:8449

CIVIL STATION, KAKKANAD,
ERNAKULAM, PIN - 682 031.

- 2 THE SPECIAL TAHSILDAR (LA)
N. H. NO.1, KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT, PIN - 682031.
- 3 THE EXECUTIVE ENGINEER
KERALA STATE TRANSPORT PROJECT (KSTP),
OFFICE OF KSTP, MUVATTUPPUZHA,
ERNAKULAM DISTRICT, PIN - 686661.

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 31 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN LAR
NO.21 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA REPRESENTED BY THE SPECIAL
TAHSILDAR (LA) , NH.NO.1 ,KAKKANADU, PIN - 682032
- 2 THE EXECUTIVE ENGINEER, KSTP
KSTP, MUVATTUPUZHA, PIN - 686661
BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS :

K.A.PURUSHOTHAMAN NAIR
S/O AYYAPPAN NAIR, KALLOOR HOUSE,
VELLOORKUNNAM VILLAGE, VELLOORKUNNAM,
MUVATTUPUZHA, PIN - 686669

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
BRISTO S PARIYARAM
NEENU ANNA BABU
AJAI ALIAS CHALAPPURAM

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 35 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN LAR
NO.3 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR, ERNAKULAM,
PIN-682032.
- 2 SPECIAL TAHSILDAR (LA) ,
N.H.NO.I, ERNAKULAM, KAKKANAD, PIN-682032.
- 3 EXECUTIVE ENGINEER,
KSTP, MUVATTUPUZHA, PIN-686661.

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS 2 TO 4 IN LAR :

- 1 GEETHA RAVI
W/O. LATE V.P.RAVI, VATTAMTHATTEL (H) ,
RAMAMANGALAM KARA, MARADY, MUVATTUPUZHA,
PIN-686669.
- 2 SUNITHA V.R. ,
D/O. LATE V.P.RAVI, VATTAMTHATTEL (H) ,
RAMAMANGALAM KARA, MARADY, MUVATTUPUZHA,
PIN-686669.



L.A.A. No.226 of 2020 and
Connected cases

23

2025:KER:8449

3 VINITHA V.R. ,
D/O. LATE V.P.RAVI, VATTAMTHATTEL (H) ,
RAMAMANGALAM KARA, MARADY,
MUVATTUPUZHA, PIN-686669.

BY ADVS .
ALIAS M. CHERIAN M
K.M.RAPHY
MINNU DARWIN
AMEERA JOJO
BRISTO S PARIYARAM

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

24

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 40 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 24.09.2020 IN LAR
NO.17/2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS:

- 1 SPECIAL TAHSILDAR (LA), NO.1 ,
ERNAKULAM ,KAKKANAD, PIN - 682032
- 2 EXECUTIVE ENGINEER
KSTP, MUVATTUPUZHA, PIN - 686661

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENT/CLAIMANT :

ROBY ,
S/O KRISHANA MANIYAN,
OZHUKANATTU (H) ,RAMAMANGALAM MUVATTUPUZHA TALUK
ERNAKULAM, PIN - 686673

BY ADVS.
L.RAM MOHAN
M.AUBREY ABRAHAM ISAAC

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

25

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 43 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN LAR
NO.45 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY SPECIAL TAHSILDAR (LA) ,
N.H. NO.1, ERNAKULAM, KAKKANAD,
PIN-682 032.
- 2 EXECUTIVE ENGINEER,
KSTP, MUVATTUPUZHA, PIN-686 661.

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENT/CLAIMANT :

BINOY GEORGE,
S/O.N.I.GEORGE, NADUKKUDIYIL HOUSE,
KARUR KARA, KOTHAMANGALAM VILLAGE,
KOTHAMANGALAM TALUK, NELLIKKUZHY P.O.,
PIN-686 691.

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
BRISTO S PARIYARAM



L.A.A. No.226 of 2020 and
Connected cases

26

2025:KER:8449

**NEENU ANNA BABU
AJAI ALIAS CHALAPPURAM**

**THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:**



L.A.A. No.226 of 2020 and
Connected cases

27

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 47 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.5.2020 IN LAR
NO.20 OF 2018 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY SPECIAL TAHSILDAR (LA), N.H.NO.I,
ERNAKULAM, KAKKANAD, PIN - 682032
- 2 THE EXECUTIVE ENGINEER
KSTP, MUVATTUPUZHA, ERNAKULAM,
PIN - 686661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENT/CLAIMANT :

ALEX ITTICHERIA
S/O. ITTICHERIA, VALLAKKALIL (H), RAMAMANGALAM KARA,
MARADY, MUVATTUPUZHA, PIN - 686669

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
BRISTO S PARIYARAM
NEENU ANNA BABU
AJAI ALIAS CHALAPPURAM

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 50 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN LAR
NO.22 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA,
REPRESENTED BY SPECIAL TAHSILDAR (LA)
N.H. NO 1, ERNAKULAM, KAKKANAD, PIN-682 032
- 2 EXECUTIVE ENGINEER,
KSTP, MUVATTUPUZHA, PIN-686 661

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS :

BINOY MATHEW
VALIYAKULANGARA, RAMAMANGALAM KARA, MARADY,
MUVATTUPUZHA, PIN-686 673

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
BRISTO S PARIYARAM
NEENU ANNA BABU
AJAI ALIAS CHALAPPURAM

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 51 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 19.02.2020 IN LAR
NO.25 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR,
ERNAKULAM, PIN - 682032
- 2 SPECIAL TAHSILDAR (LA) NH NO.1,
ERNAKULM, KAKKANAD, PIN - 682032
- 3 EXECUTIVE ENGINEER, KSTP, MUVATTUPUZHA,
PIN - 686661

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS :

K C ALEYS, S/O CHERIA,
KUTTISRAKUDIYIL HOUSE, MARADY, RAMAMANGALAM KARA.
MUVATTUPUZHA, PIN - 688673

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 53 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN LAR
NO.35 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED SPECIAL TAHSILDAR (LA)
N.H.NO.1, ERNAKULAM, KAKKANAD PIN-682 032.
- 2 EXECUTIVE ENGINEER
KSTP, MUVATTUPUZHA, PIN-686 672

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS :

GEETHA
D/O SREEDHARAN, ONASSERIL (H),
PANDAPPILLY KARA, ARAKKUZHA VILLAGE,
MUVATTUPUZHA, PIN-686 669

BY ADVS.
ALIAS M CHERIAN
K.M.RAPHY
BRISTO S PARIYARAM
NEENU ANNA BABU
AJAI ALIAS CHALAPPURAM

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 65 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 24.9.2020 IN LAR NO.55

OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 SPECIAL TAHSILDAR (LA) NH NO.1 , ERNAKULAM
KAKKANAD, PIN - 682032
- 2 EXECUTIVE ENGINEER, KSTP, MUVATTUPUZHA
PIN - 686661

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS NO.1 AND ADDL CLAIMANTS 2 TO 5 IN LAR :

- 1 SURENDRAN, H/O RAJESWARY AND S/O PAPPU,
OZHUKKANATTU (H) , RAMAMANGALM KARA,
MARADY, MUVATTUPUZHA, PIN - 686673
- 2 ANJU SURENDRAN, D/O SURENDRAN
OZHUKKANATTU (H) , RAMAMANGALM KARA,
MARADY, MUVATTUPUZHA, PIN - 686673
- 3 AKHIL SURENDRAN, S/O SURENDRAN,
OZHUKKANATTU (H) , RAMAMANGALM KARA,
MARADY, MUVATTUPUZHA, PIN - 686673



4 LAKSHMI, M/O RAJESWARY, (DIED)
OZHUKKANATTU (H), RAMAMANGALM KARA,
MARADY, MUVATTUPUZHA, PIN - 686673

*ADDL. RESPONDENTS IMPEADED AND DELETED)

5 GOVINDAN, (DIED)
F/O RAJESWARY,
OZHUKKANATTU (H), RAMAMANGALM KARA,
MARADY, MUVATTUPUZHA, PIN - 686673

ADDL. RESPONDENTS IMPEADED

(* ADDL. RESPONDENTS R6 TO R10 IMPEADED & DELETED)

ADDL.6 LALITHA
THUMBAYIL VEEDU, PARAPPURAM, PIN-683 575.

ADDL.7 SUMATHI,
CHELLISSERI VEEDU, METHALA, PIN 683 545.

ADDL.8 RAJASEKHARAN,
THEKKUMKUDI VEEDU, PLAMUDI, PIN 686 692

ADDL.9 DASAN
THEKKUKUDI VEEDU, PLAMUDI, PIN 686 692

ADDL.10 SUDHA
KANIYAMKUDI VEEDU, AALATTUCHIRA,
KODANADU, PIN 683544

(THE LEGAL HEIRS OF THE DECEASED RESPONDENTS 4 AND 5
ARE IMPEADED AS ADDITIONAL RESPONDENTS 6 TO 10 AS PER
ORDER DATED 04.04.2024 IN IA 2/2023 IN LAA 65/2022. IT
IS RECORDED THAT NAMES OF ADDITIONAL RESPONDENTS 6 TO
10 ARE DELETED FROM THE PARTY ARRAY AS PER ORDER DATED
04.04.2024 IN IA 1/2024 IN LAA 65/2022)

BY ADVS.
L.RAM MOHAN
SANU S MALAKEEL

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

33

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 69 OF 2022

AGAINST THE AWARD AND DECREE DATED 24.9.2020 IN LAR NO.4 OF 2017

OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR,
ERNAKULAM, PIN-682032
- 2 SPECIAL TAHSILDAR (LA)
NH NO 1, KAKKANAD, ERNAKULAM, PIN - 682032
- 3 EXECUTIVE ENGINEER
KSTP, MUVATTUPUZHA, PIN - 686661

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENT/CLAIMANT :

JOHNSON
S/O VARKEY, KAROTTUNEDUNGATTU HOUSE,
AVOLIKKARA, MARADY, MUVATTUPUZHA, PIN - 686673

BY ADV L.RAM MOHAN

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

34

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 71 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.5.2020 IN LAR NO.2
OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR
ERNAKULAM, PIN - 682032
- 2 SPECIAL TAHSILDAR (LA)
NH NO 1, ERANAKULAM
KAKKANAD, PIN - 682032
- 3 EXECUTIVE ENGINEER
KSTP, MUVATTUPUZHA, ERANAKULAM,
PIN - 686661

BY SMT.N.SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENT/CLAIMANT :

BABU ISSAC
S/O ISSAC, MUNDAYAMKATTIL (H), RAMAMANGALAM KARA,
MARADY VILLAGE, MUVATTUPUZHA, PIN - 686669

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

35

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 76 OF 2022

AGAINST THE AWARD AND DECREE DATED 9.3.2020 IN LAR NO.47 OF 2017
OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA,
REPRESENTED BY SPECIAL TAHSILDAR (LA) ,
NH. NO.I, ERNAKULAM , KAKKANAD
PIN - 682032
- 2 THE EXECUTIVE ENGINEER, KSTP,
MUVATTUPUZHA., PIN - 686661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENT/CLAIMANT :

DEVADAS.T.NAIR.
S/O. THANKAPPAN NAIR, PADINJARE THOTTATHIL
HOUSE, RAMAMANGALAM KARA, MARADY VILLAGE,
MUVATTUPUZHA., PIN - 686661

BY ADV L.RAM MOHAN

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 91 OF 2022

AGAINST THE AWARD AND DECREE DATED 24.09.2020 IN LAR NO.46 OF
2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA REPRESENTED BY SPECIAL TAHSILDAR (LA)
NH NO 1, KAKKANAD, PIN - 682032
- 2 EXECUTIVE ENGINEER, MUVATTUPUZHA,
PIN - 686661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENTS/CLAIMANTS 1 TO 6:

- 1 NANI
W/O KRISHNAN, OZHAKKANATTU HOUSE, MARADY
VILLAGE, MUVATTUPUZHA, PIN - 686661
- 2 RAVI
S/O LATE KRISHNAN, OZHAKKANATTU HOUSE
MARADY VILLAGE, MUVATTUPUZHA, PIN - 686661
- 3 SAJI
S/O LATE KRISHNAN, OZHAKKANATTU HOUSE
MARADY VILLAGE, MUVATTUPUZHA, PIN - 686661



- 4 USHA
 D/O LATE KRISHNAN,OZHAKKANATTU HOUSE
 MARADY VILLAGE,MUVATTUPUZHA, PIN - 686661

- 5 ALLY
 D/O LATE KRISHNAN,OZHAKKANATTU HOUSE
 MARADY VILLAGE,MUVATTUPUZHA, PIN - 686661

- 6 MINI
 D/O LATE KRISHNAN,OZHAKKANATTU HOUSE
 MARADY VILLAGE,MUVATTUPUZHA, PIN - 686661

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO.226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

38

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 160 OF 2022

AGAINST THE AWARD AND DECREE DATED 02.07.2020 IN LAR NO.145
OF 2018 OF II ADDITIONAL DISTRICT COURT,ERNAKULAM

APPELLANTS/RESPONDENTS 1 & 2 IN LAR :

- 1 THE SPECIAL TAHSILDAR (LA)
HN NO 1 ERNAKULAM CIVIL STATION ,
KAKKANAD, PIN 682 030
- 2 THE EXECUTIVE ENGINEER
KERALA STATE TRANSPORT PROJECT, MUVATTUPUZHA,
ERNAKULAM DISTRICT PIN 686 661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENT/CLAIMANT IN LAR :

UNION CLUB
RAMANGALAM KARA, MARADY VILLAGE,
MUVATTUPUZHA-686663, REPRESENTED BY ITS SECRETARY

BY ADV L.RAM MOHAN

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 279 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 18.5.2020 IN LAR
NO.21 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

K.A.PURUSHOTHAMAN NAIR
AGED 74 YEARS
S/O.AYYAPPAN NAIR, KALLOOR (H),
VELLOORKUNNAM VILLAGE, VELLOORKUNNAM.

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
ANJALY ELIAS

RESPONDENTS/ RESPONDENTS :

1 STATE OF KERALA
REPRESENTED BY THE SPECIAL TAHSILDAR (LA),
NH NO.1, KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT, PIN - 682 031.

2 THE EXECUTIVE ENGINEER
KERALA STATE TRANSPORT PROJECT (KSTP),
OFFICE OF KSTP, MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN - 686 661.

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING:



L.A.A. No.226 of 2020 and
Connected cases

40

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 294 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 19.02.2020 IN LAR
NO.27 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR
ERNAKULAM, PIN - 682032
- 2 SPECIAL TAHSILDAR (LA)
N.H.NO.1 ERNAKULAM, KAKKANAD, PIN-682032
- 3 EXECUTIVE ENGINEER
KSTP ,MUVATTUPUZHA, PIN - 686661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENT/CLAIMANT :

NIDHIN EALIAS
S/O K.C.EALIAS, KUTTISRAKUDIYIL HOUSE, MARADY,
RAMAMANGALAM KARA, MUVATTUPUZHA, PIN - 686673

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING :



L.A.A. No.226 of 2020 and
Connected cases

41

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 295 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 19.02.2020 IN LAR
NO.26 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR,
ERNAKULAM, PIN - 682032
- 2 SPECIAL TAHSILDAR (LA)
N.H.NO.I, ERNAKULAM, KAKKANAD, PIN - 682032
- 3 EXECUTIVE ENGINEER
KERALA STATE TRANSPORT PROJECT,
MUVATTUPUZHA, PIN - 686661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

RESPONDENT/CLAIMANT :

AMMINI
W/O.K.C.ALEYAS, KUTTISRAKUDIYIL HOUSE,
MARADY, RAMAMANGALAM KARA,
MUVATTUPUZHA, PIN - 686673

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING.



L.A.A. No.226 of 2020 and
Connected cases

42

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 304 OF 2022

AGAINST THE COMMON AWARD DATED 18.05.2020 IN LAR NO.20 OF
2018 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

ALEX ITTICHERIA,
AGED 57 YEAR, S/O. ITTICHERIA,
VALLAKKALIL HOUSE, RAMANGALAM KARA,
MARADY P.O., MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN-686663.

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
ANJALY ELIAS

RESPONDENTS/ RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE SPECIAL TAHSILDAR (LA),
N.H.NO.1, KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT, PIN-682 031.
- 2 THE EXECUTIVE ENGINEER
KERALA STATE TRANSPORT PROJECT,
OFFICE OF KSTP, MUVATTUPUZHA
ERNAKULAM DISTRICT, PIN-686661.



L.A.A. No.226 of 2020 and
Connected cases

43

2025:KER:8449

BY ADV B.ASHOK KUMAR, SC, KERALA STATE TRANSPORT
PROJECT (KSTP)

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER FOR R1

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 579 OF 2022

AGAINST THE COMMON AWARD AND DECREE DATED 25.06.2022 IN LAR
NO.30 OF 2019 OF THE LAND ACQUISITION, REHABILITATION AND
RESETTLEMENT AUTHORITY, ERNAKULAM

APPELLANTS/CLAIMANTS IN LAR 30/2019:

- 1 SHIJU.M.P, S/O PURUSHOTHAMAN,
AGED 55 YEARS
MOOTHEATHU HOUSE, RAMANGALAM KARA, MARADY
VILLAGE, MUVATTUPUZHA, PIN - 686661
- 2 BOBAN, S/O KRISHNAN,
AGED 58 YEARS
NADUKUDIYIL HOUSE, RAMANGALAM KARA,
MARADY VILLAGE, MUVATTUPUZHA, PIN - 686661

BY ADVS.
SANTHAMMA ISSAC
N.C.THOMAS
ANU THANKAM MATHEW

RESPONDENTS/RESPONDENTS IN LAR 30/2019 :

- 1 STATE OF KERALA,
REPRESENTED BY SPECIAL TAHSILDAR (LA),
N.H.NO. 1, KAKKANAD, PIN - 682030



L.A.A. No.226 of 2020 and
Connected cases

45

2025:KER:8449

2 EXECUTIVE ENGINEER, KSTP,
MUVATTUPUZHA
PIN - 686661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 580 OF 2022

AGAINST THE COMMON AWARD DATED 25.06.2022 IN LAR NO.21 OF
2018 OF THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT
AUTHORITY, ERNAKULAM

APPELLANTS/CLAIMANTS:

- 1 SHIJU.M.P,S/O PURUSHOTHAMAN,
MOOTHEATHU HOUSE, RAMANGALAM KARA,
MARADY VILLAGE , MUVATTUPUZHA 686661
- 2 SIBI, W/O SHIJU.M.P
MOOTHEATHU HOUSE, RAMANGALAM KARA,
MARADY VILLAGE, MUVATTUPUZHA,
PIN - 686661

BY ADVS.
SANTHAMMA ISSAC
ANU THANKAM MATHEW
N.C.THOMAS

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR,
ERNAKULAM 682030



L.A.A. No.226 of 2020 and
Connected cases

47

2025:KER:8449

2 THE SPECIAL TAHSILDAR (LA)
N.H.NO.1, COLLECTORATE, KAKKANAD,
PIN - 682030

3 EXECUTIVE ENGINEER
KSTP, MUVATTUPUZHA-686661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER
FOR R1 TO R3

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING



L.A.A. No.226 of 2020 and
Connected cases

48

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 618 OF 2022

AGAINST THE AWARD DATED 02.07.2020 IN LAR NO.145 OF 2018 OF

II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

UNION CLUB
RAMANGALAM KARA, MARADY VILLAGE
MUVATTUPUZHA, PIN - 686661

BY ADVS.
L.RAM MOHAN
M.AUBREY ABRAHAM ISAAC
O.V.ANISH

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY SPECIAL THAHASILDAR NH-1
KAKKANADU, PIN - 682030
- 2 KSTP, REPRESENTED EXECUTIVE ENGINEER
ARAMANA JUNCTION, MUVATUUPUZHA,
PIN - 686661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER FOR R1
AND R2

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING.



L.A.A. No.226 of 2020 and
Connected cases

49

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 32 OF 2023

AGAINST THE AWARD DATED 9.3.2020 IN LAR NO.47 OF 2017 OF II
ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

DEVADAS T NAIR
S/O THANKAPPAN NAIR, PADNJARE THITTATHIL HOUSE
RAMANGALAM KARA, MARADY VILLGAE, MUVATTUPUZHA,
PIN - 686673

BY ADVS.
L.RAM MOHAN
M.AUBREY ABRAHAM ISAAC

RESPONDENTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY SPECIAL THAHASILDAR NH-1
KAKKANADU, PIN - 682030
- 2 KSTP
REPRESENTED EXECUTIVE ENGINEER,
ARAMANA JUNCTION, MUVATUUPUZHA,
PIN - 686661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 69 OF 2023

AGAINST THE AWARD DATED 22.8.2022 IN LAR NO.44 OF 2017 OF
THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY,
ERNAKULAM

APPELLANT/CLAIMANT :

N.U. SAJU
AGED 64 YEARS
SON OF MATHEW, NELLIKKAL HOUSE,
KAVUNKARA KARA, VELLOORKUNNAM VILLAGE,
MUVATTUPUZHA, ERNAKULAM DISTRICT,
PIN - 686669

BY ADVS.
R.BINDU (SASTHAMANGALAM)
G.RAJAGOPAL (KUMMANAM)
PAUL MATHEW

RESPONDENTS/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY THE SPECIAL TAHSILDAR (LA) ,
N.H.NO. 1, ERNAKULAM, KAKKANAD,
PIN - 682037
- 2 THE EXECUTIVE ENGINEER ,
KERALA STATE TRANSPORT PROJECT,



L.A.A. No.226 of 2020 and
Connected cases

51

2025:KER:8449

MUVATTUPUZHA, ERNAKULAM DISTRICT,
PIN - 686631

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING



L.A.A. No.226 of 2020 and
Connected cases

52

2025:KER:8449

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946

LA.APP. NO. 113 OF 2023

AGAINST THE COMMON AWARD AND DECREE DATED 18.05.2020 IN IAR
NO.35 OF 2017 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

APPELLANT/CLAIMANT :

GEETHA, AGED 48 YEAR,
D/0.SREEDHARAN, ONASSERIL HOUSE,
PANDAPPILLY KARA, ARAKUZHA VILLAGE,
MUVZTTUPUZHA, ERNAKULAM DISTRICT,
PIN-686672.

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
ANJALY ELIAS

RESPONDENTS/RESPONDENTS :

- 1 STATE OF KERALA,
REPRESENTED BY THE SPECIAL TAHSILDAR (LA) ,
N.H.NO.1, KAKKANAD, CIVIL STATION,
ERNAKULAM DISTRICT, PIN-682 031.
- 2 THE EXECUTIVE ENGINEER,
KERALA STATE TRANSPORT PROJECT (KSTP) ,
OFFICE OF KSTP, MUVATTUPUZHA,



L.A.A. No.226 of 2020 and
Connected cases

53

2025:KER:8449

ERNAKULAM DISTRICT, PIN- 686661,

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING.



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 4TH DAY OF FEBRUARY 2025 / 15TH MAGHA, 1946
LA.APP. NO. 55 OF 2024

AGAINST THE AWARD AND DECREE DATED 25.7.2023 IN LAR NO.24 OF
2017 OF THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT
AUTHORITY, ERNAKULAM

APPELLANT(S)/CLAIMANT :

V.P. RAJEEV
AGED 63 YEARS
S/O. PADMANABHAN, VATTAMTHATTEL HOUSE,
MARADY VILLAGE, MUVATTUPUZHA
ERNAKULAM DISTRICT, PIN - 686673

BY ADVS.
PAUL K.VARGHESE
A.A.GEETHA

RESPONDENT(S)/RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR/
LAND ACQUISITION OFFICER, ERNAKULAM DISTRICT,
CIVIL STATION, KAKKANAD, ERNAKULAM DISTRICT,
PIN - 682030
- 2 THE SPECIAL TAHSILDAR (LA)
N.H. NO. 1, KAKKANAD, CIVIL STATION,
ERNAKULAM, PIN - 682030



L.A.A. No.226 of 2020 and
Connected cases

55

2025:KER:8449

3 THE EXECUTIVE ENGINEER
KERALA STATE TRANSPORT PROJECT (KSTP)
OFFICE OF KSTP, MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN - 686661

BY SMT.N. SUDHADEVI, SPECIAL GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON
22.01.2025 ALONG WITH L.A.App.NO. 226/2020 AND CONNECTED CASES, THE
COURT ON 04.02.2025 DELIVERED THE FOLLOWING



“C.R”

L.A.A. Nos.226/2020,251/2020,35/2021,47/2021,202/2021, 293/2021,
7/2022,13/2022,18/2022, 20/2022,21/2022, 22/2022, 26/2022,
31/2022,35/2022,40/2022,43/2022,47/2022, 50/2022, 51/2022,
53/2022, 65/2022,69/2022,71/2022,76/2022,91/2022, 160/2022,
279/2022, 294/2022,295/2022,304/2022,579/2022, 580/2022,
618/2022, 32/2023,69/2023,113/2023 and 55/2024

JUDGMENT

Easwaran S., J.

A pivotal question regarding the interpretation of Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, ‘Act 30 of 2013’) has arisen for consideration in these appeals. The challenge raised in these appeals pertains to various orders of the II Additional District Court, Ernakulam, answering the references filed under Section 64(1) of the Act 30 of 2013. Since the points raised in these appeals are common, they are being considered together and disposed of by a common judgment.

2. For the sake of brevity, the facts leading to L.A.A. No.51 of 2022 preferred by the State and L.A.A. No.226 of 2020 preferred by the claimant for enhancement of compensation (both LAAs arise out of the award in L.A.R. No.25 of 2017) will be considered first.

3. Succinctly the facts in brief are as follows:



An extent of 0.27 Ares of land equaling to 0.666 square links was acquired for the purpose of widening the Main Central Road (MC Road, for short) at Muvattupuzha Town. The notification under Section 4(1) under the Land Acquisition Act, 1894 was issued on 29.3.2014. The Land Acquisition Officer fixed the market value at Rs.14,17,803/- per Are and the building value at Rs.95,766/-. Dissatisfied with the quantum of compensation awarded by the Land Acquisition Officer, the claimants sought reference under Section 64(1) of the Act 30 of 2013. It is pertinent to mention that along with the claimant, his wife and son also sought reference against their respective awards passed by the Land Acquisition Officer on the very same date in respect of the properties in their possession which were numbered as L.A.R. Nos.26 and 27 of 2017. In the claim statement preferred before the II Additional District Court, Ernakulam, the claimants contended that the value fixed by the Land Acquisition Officer is insufficient and does not reflect the true value of the land. In support of the contentions, the claimants relied on Ext.A1 to A19 documents. The State, on the other hand, produced Exts.B1 to B43 documents. On behalf of the claimants, AW1 to AW3 were examined. On behalf of the State, RW1 to RW5 were examined. The claimants also took out an Advocate Commissioner for local inspection of the land acquired and for the purpose of valuing the building. Ext.C1 to C3(a) were marked



as Court Exhibits.

4. Findings of the reference court.

4.1. On consideration of the material evidence before it, the reference court refused to accept Exts.B5, B6, and B7 documents which were not in proximity to the land acquired but accepted Ext.B4 and thereafter proceeded to consider the average market value of the property by taking into consideration the value fixed by the District Collector in respect of a property situated in the proximity of the land acquired as under Ext.A15. The reference court undertook the exercise in view of the mandate contained under Section 26 of Act 30 of 2013 and thus arrived at a land value of Rs.25,26,059.375/- and proceeded to grant enhanced compensation in tune with the extent of property acquired.

4.2. In so far as the claim for compensation on the value of the building is concerned, the reference court found that the claimant did not adduce any evidence to substantiate his claim for increasing the value of the building but, however, granted 20% escalation on the rates fixed by the Land Acquisition Officer relying on the scheduled rates of the Public Works Department.

5. Aggrieved by the decision of the reference court, the State is on appeal before us primarily contending that the market value arrived at



by the reference court is unknown to the procedure prescribed under Section 26 of Act 30 of 2013.

6. The claimants, on the other hand, are in appeal before us by contending that the value fixed by the reference court itself is incorrect and they are entitled to a higher value for the land acquired by the State and also the quantum of compensation towards rehabilitation being insufficient.

7. We will deal with L.A.A. No.51 of 2022 filed by the State questioning the enhancement of compensation and LAA No 226 of 2020 and L.A.A. No.47 of 2021 for enhancement of compensation and the other appeals will follow the decision in these appeals.

8. We have heard Smt. N. Sudhadevi, the learned Special Government Pleader appearing on behalf of the State, Sri. Alias M Cherian, the learned counsel appearing for the claimants in L.A.A. No.226 of 2020, Sri. Ram Mohan L, the learned counsel appearing for the appellant in L.A.A. No.47 of 2021 and Smt. Santhamma Issac, the learned counsel appearing on behalf of the appellants in LAA Nos.579 and 580 of 2022.

9. Arguments of the State:

The learned Special Government Pleader contended that the method adopted by the reference court is contrary to the mandate



contained under Section 26 of Act 30 of 2013. She further pointed out that the Land Acquisition Officer had rightly fixed the land value by following the procedure prescribed under the said Act by taking into consideration the average sale price mentioned in Exts.B4, B5, B6 and B7 documents. The Reference Court, on the contrary, proceeded to ignore Exts.B5, B6, and B7 and, instead, proceeded to fix the market value of the land in question by taking into consideration the value fixed by the District Collector in Ext.A15 proceedings which are intended for the purpose of calculating the liability to pay ground rent on the property. She would further submit that the procedure prescribed for fixing the market value for the purpose of calculating the ground rent due to the Government cannot form the basis of determination of the market value for the purpose of arriving at a compensation under Act 30 of 2013.

10. Arguments on behalf of the claimants:

10.1. As stated earlier, the reference court considered L.A.R. No.25 of 2017 as a leading case and proceeded to award different amounts in various references before it.

10.2. Sri. Alias M. Cherian, the learned counsel for the appellants, would contend that there is no legal basis to sustain the argument of the learned Special Government Pleader that the reference court committed



an error in taking into consideration the value fixed by the District Collector under Ext.A15. According to him, the District Collector has followed a procedure for arriving at a market value for the purpose of determination of the ground rent. Though the purpose of determination of the market value may be different, it cannot be said that the said market value does not have a bearing while determining the compensation for the land acquired. He would further submit that Ext.B4 document could not have been relied on by the Land Acquisition Officer nor by the reference court because the property mentioned in the said document does not have the same benefits as that of the land acquired. By referring to the findings of the Advocate Commissioner in Ext.A16 report, the learned counsel further submitted that the property covered by Ext.B4 does not have any road frontage to the municipal road and, therefore, the reference court ought not to have considered the same for the purpose of calculating the market value. Though the learned counsel did not dispute the procedure to be adopted for the purpose of arriving at the market value by taking into consideration the average sale price in the documents executed in the vicinity of the area, the learned counsel would submit that instead of Ext.B4, the reference court ought to have taken into consideration Exts.A1 and A2 for the purpose of arriving at the market value. Moving forward, the learned



counsel also pointed out that the reference court did not appreciate the claim of the claimants for compensation under Clause 4 and Clause 8 of the Second Schedule of the Act 30 of 2013.

10.3. Sri. Ram Mohan L, the learned counsel appearing for the appellant in L.A.A. No.47 of 2021 (Claimant in L.A.R No.17 of 2017) would adopt the submissions of the learned counsel for the claimant in L.A.R. No.25 of 2017 and would further submit that the reference court could not have ignored the order of the reference court in Ext A1 and Ext A8 in respect of acquisition in the same village and further submitted that the reference court went wrong in considering the entitlement for rehabilitation package in terms of Clause 4, Clause 8 and Clause 10 of the of the Second Schedule of Act 30 of 2013. With reference to the specific averments in the memorandum of appeal and also the grounds raised thereunder, the learned counsel pointed out that after the pronouncement of the judgment by the reference court and before preferring the appeals, the appellant/claimant was completely displaced from the building situated in the land acquired and the building was completely demolished. It is pointed out that the claimant was conducting a restaurant under the name “Karthika restaurant” and, therefore, was entitled to compensation for displacement as provided under Clause 4 to the Second Schedule of the Act 30 of 2013.



10.4. Smt. Santhamma Issac, the learned counsel appearing for the appellants in L.A.A. Nos.579 and 580 of 2022 would contend that the appellants therein had claimed parity in compensation in tune with the findings rendered by the reference court in L.A.R. No.25 of 2017. However, the reference court, without any rhyme or reason, restricted the claim and did not even grant the compensation as fixed by the reference Court in L.A.R. No.25 of 2017.

11. In reply, the learned Special Government Pleader Smt. Sudhadevi, vehemently pointed out that going by the scheme of the Act 30 of 2013, the District Collector is not bound to rely on the compensation granted in an earlier acquisition and hence the District Collector rightly rejected Ext A 1 and A8 orders of the reference court and the finding of the reference court on those points does not require interference. According to the learned Special Government pleader, her argument is supported by Explanation 3 to Section 26(1)(b) and the decision of the Division bench of this court in **State of Kerala Vs Mathew [2024 (3) KHC 413]**.

12. We have considered the rival submissions raised across the Bar and have perused the records and the judgment rendered by the reference court.



13. Judicial Evaluation and findings

13.1. Before we proceed we must note that the entire regime for payment of compensation towards the injuries sustained by the land owners pursuant to a land acquisition underwent a drastic change on the introduction of the Act 30 of 2013. Going by the preamble of Act 30 of 2013, the Act is intended to ensure just and fair compensation to the affected party whose land has been acquired or proposed to be acquired or is affected by such acquisition and to make adequate provisions for rehabilitation and resettlement of such affected parties. Though the purport of the earlier and the later enactments remains the same, that is, to provide “just and fair compensation” to the affected families, the procedure underwent major change in the later Act. Under the erstwhile Land Acquisition Act, 1894, the power of enquiry vested upon the District Collector is traceable to Section 11 of the Land Acquisition Act. Once the District Collector determines the true extent of the land and also the compensation which, in his opinion, should be allowed for the land and also the rate at which it is to be apportioned, then the District Collector is required to pass an award under Section 11A of the erstwhile Land Acquisition Act, 1894. Section 23 of the Land Acquisition Act provides for the matters for consideration in determining the



compensation and the primary factor which forms the basis for determining the compensation is the market value at the date of Section 4(1) notification. It could thus be seen that the determination of the market value is subject to the satisfaction of the District Collector and is further subjected to judicial scrutiny in reference under Section 18 and Section 28A of the erstwhile Land Acquisition Act.

13.2. Once Act 30 of 2013 was promulgated, the scope of determination of the market value of the land underwent a major change. Section 26 provides for the determination of the market value by the District Collector. Section 26 is extracted herein as under:

26. Determination of market value of land by Collector. - The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:-

(a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

(c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.

Explanation 1. - The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the



agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2. - For determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3. - While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4. - While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2) The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3) Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that-

(a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority, the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:



Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent, of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

13.3. Thus, one could easily decipher the major difference under the erstwhile Land Acquisition Act, 1894, and the present enactment i.e., Act 30 of 2013. While determining the market value, the District Collector is required to consider first the market value fixed for the purpose of registration of the sale deed under the Indian Stamp Act or take the average sale price of a similar type of land in the nearest village or the consented amount of compensation as agreed for the acquisition of the land for private companies or private partnership projects.



Explanation 1 to Section 26(1)(b) of Act 30 of 2013 provides the manner in which the Collector is required to determine the market value. However, we must note that the explanation to Section 26(1)(b) creates a statutory embargo on multiple points. While Explanation 1 provides that the sale deed or agreement of sale registered in the vicinity of the area during immediately preceding three years of the year to which the acquisition is proposed alone can be taken, Explanation 3 provides that the compensation paid for similar land under acquisition under this Act cannot be considered. This, according to us, is a substantial deviation from the procedure prescribed under the earlier Act. Our paramount consideration in these appeals is how far these restrictive covenants will impact the claim of the landowners. Though the wisdom of the legislature introducing the restrictive covenants may fall outside the scope of Judicial scrutiny, nevertheless, the courts can always step in to obliterate the difficulties faced by the landowners when faced with the land acquisition though such interference should be within the permissible limit.

13.4. As far as these appeals are concerned, we are required to consider the impact of the restrictions imposed by Explanations 1 and 3. We will deal with Explanation 1 first. Explanation 1 to Section 26(1)(a) provides that a document executed within a period of 3 years in relation



to property in the near vicinity has to be considered for arriving at the market value. The said restrictive covenant will become unworkable if, in a given case, if there is no document executed in the vicinity of the area during the preceding three years from the date of the acquisition. Therefore, we are inclined to think that Explanation 1 cannot apply in all circumstances, and in the absence of an exemplar, the court will have to step in and apply the principles of guesstimation.

13.5. Keeping in mind the substantial change in procedure under the new regime of land acquisition, it becomes imperative for us to discuss in detail the evidence in this case in order to find out whether the findings of the reference court could be sustained or not.

14. Discussion on the evidence adduced before the reference court.

Exts.A1 to A5 and A15 in LAR No.25 of 2017 are the six documents primarily relied on by the claimants for the purpose of substantiating their claim for higher compensation in respect of the land acquired. On the other hand, the State relies on Exts.B4 to B7 documents which were considered by the Land Acquisition Officer. Ext.A1 is the award passed in L.A.R. No.82 of 2011 dated 29.10.2014. This is in respect of an acquisition of land that had taken place in the year 2008. The reference court had fixed an amount of Rs.10,41,257/- as the land value per Are in the year 2008. Ext.A3 is the certified copy of the sale deed No.2608/2015



of the Muvattupuzha SRO which was executed by a Co-operative Society. An extent of 6.85 Ares of land is purchased for a total consideration of an amount of Rs.1,67,30,000/- making it up to an amount of Rs.24,42,335/- per Are. Ext.A3 is the certified copy of the award in L.A.R. No.30 of 2012 of the Sub Court, Muvattupuzha issued under the provisions of the erstwhile Land Acquisition Act. Ext.A4 is the copy of the minutes of the District Level Purchase Committee (DLPC) Meeting held on 3.12.2015 and Ext.A15 is the copy of the proceedings in L9-48021/10 of the District Collector, Ernakulam dated 7.11.2017 which fixed the market value of the land therein for the purpose of calculation of the ground rent payable towards the government. Ext.B4 is the sale deed No.4269/1/12 of the Muvattupuzha SRO dated 20.7.2012, Ext.B5 is the certified copy of the Sale Deed No.628/1/13 of the Muvattupuzha SRO dated 8.3.2013 , Ext.B6 is the copy of the Sale Deed No.6642/1/12 of the Muvattupuzha SRO dated 7.12.2012 and Ext.B7 is the certified copy of the sale deed No.3845/1/13 of the Muvattupuzha SRO dated 20.8.2013. The comparative value per Are as reflected in the above documents are given below in the table:



Document No.	Value fixed per Are
Ext. A1	Rs.10,41,257/ per Are in the year 2008
Ext. A2	Rs.24,42,335/- per Are
Ext. A3	Rs 12,35,000/- per Are.

15. On a careful examination of the contents of the documents, we find that none of these documents can be considered as exemplars for the determination of the market value of the land. When the proximity of land covered by Ext.A2 and the land acquired is considered, the land covered by Ext.A2 is within 2 kms from the land acquired, whereas, Ext.B4 is 184 meters from the land acquired and the property which is the subject matter of Ext.A15 is within 150 meters from the acquired land. Exts.B5, B6, and B7 have been discarded by the reference court on the premise that they are not in proximity to the acquired land. We are of the considered view that the finding of the reference court rejecting Ext B5, B6 and B7 is perfectly correct and does not call for interference.

16. Although Ext.A1 to A 3 were produced by the claimant in L.A.R. No.25 of 2017 no evidence is seen adduced by the claimants to prove the similarity of the land to verify it with that of the land acquired. Therefore, we find that the reference court rightly discarded the same. Ext.A5 is the proceedings of the District Level Purchase Committee, which fixed



the value of land at Rs.35,16,090/- per Are.

17. Can it be still said that Ext.A5 should form the basis for the determination of the market value? The answer to the above will be an emphatic “No” for the simple reason that Ext.A5, though, reflects the market value of the land in respect of the same acquisition, the same is intended for a negotiated purchase. The landowners who agree to the negotiated purchase will be given compensation as per the rates fixed by the District Collector in the meeting. It must be remembered that the amount arrived as settlement includes the solatium and interest. The claimants cannot eschew the conditions which precede the determination of the market value by the District Level Purchase Committee and rely on the market value alone for the purpose of determining the compensation based on the market value of the property. Therefore, we do not find any error on the part of the reference court in rejecting the claim of the claimants based on Ext.A5.

18. Coming to Ext.A15, the parties are at serious variance as regards the fixation of the market value by the District Collector in the said proceedings. We have bestowed our anxious consideration on the contents of Ext.A15. In Ext.A15, no doubt, the market value of the land therein at Rs.36 Lakhs per Are as on 17.11.2014. It has come out in evidence that the land covered by Ext.A15 and the land acquired is only



100 meters apart. But then, the question before us is whether the value fixed under Ext.A15 can form the basis for the determination of the market value of the land acquired under Act 30 of 2013. A close reading of Ext.A15 shows that the entire method of fixing the market value for the determination of the ground rent is different from that of the procedure prescribed under Act 30 of 2013. The District Collector, in Ext.A15, has referred to various sale deeds which formed the basis of fixation of the fair value of the land in question. It is after determining the fair value for the purpose of calculation of the ground rent, an addition of 50% of the fair value of the land therein was done. We fail to comprehend as to how the claimants can rely on Ext.A15 for the purpose of calculating the market value for the purpose of compensation under Section 26 of Act 30 of 2013. Thus, if we are to eschew Exts.A1, A2, A3, A4, A5 and A15 along with Exts.B5, B6 and B7, we are left with Ext.B4 alone, which cannot be considered singularly going by the mandate of the Statute.

19. When we analyze the evidence as above, we find that the extraordinary situation which presented itself before us could have been envisaged by the legislature while framing the Statute. However, the courts cannot remain oblivious of an unworkable situation presented before it which directly affects the right under Article 300-A of the



Constitution of India.

20. How best this impasse could be resolved will form the crux of the decision in these appeals. When we closely scrutinize the evidence, we notice that the property covered by Ext.B4 along with the property mentioned in Ext.A15 lies within 200 meters from the land acquired. But Ext.B4 is a document executed in the year 2012, and, therefore, we must necessarily add escalation of the price to Ext.B4 for the purpose of determining its actual market value as on the date of the notification. But then, there should also be other exemplars before us for the purpose of comparing to determine the true market value of the land acquired. Although the primary burden is on the claimant to produce evidence, we cannot ignore the fact that the District Collector is equally obliged under the Statute to determine the market value in a justifiable manner. By placing reliance on Exts.B5, B6 and B7 documents in respect of the properties which are not in the vicinity of the land acquired, the District Collector has certainly failed to discharge his duty at first instance.

21. Hence, in such a situation it may not be possible to insist that documents of three years old alone have to be looked into. Accepting the argument of the State will render the Statute unworkable and the court is not bound to accept an interpretation which will render the Statute redundant. Hence, we have no hesitation in our mind to reject the



argument of the State.

22. However, having held so, we find that the consideration of other exemplars assumes significance. A reading of Ext A15 reveals that the value of the land fixed during 2008 as per document No.3623 of 2008 is at Rs.4,40,909/- per cent, and if it is converted into Ares it will be Rs.10,89,045/-. It has come out in evidence through Ext.C1 report that the property covered by Ext.A15 is lying 100 meters from the land acquired and, therefore, it qualifies to be taken as the land in the close vicinity for the purpose of calculating the market value.

23. Even if we are inclined to accept the suggestion made by the learned counsel for the appellants that document No.3623 of 2008, mentioned in Ext A15 be considered as an exemplar, we will not be able to arrive at the correct market value of the land. This is for the simple reason that the exemplars which are in proximity with the land acquired is of the year 2008. Therefore, only if there is no legal impediment in taking the documents mentioned in Ext.A15 as exemplars, we will be justified in applying the escalation which is permissible going by the principles laid down by the Apex Court in **General Manager, Oil and Natural Gas Corporation (ONGC) Limited vs. Rameshbhai Jivanbhai Patel and Another** [2008 (14) SCC 745]. But still the documents mentioned in Ext.A15 as exemplars alone will not be sufficient for the



purpose of determining the market value. There should be other documents also for comparison to arrive at a market value. In the peculiar facts of this case, we are left with no option but to take Ext.B4, which is 184 meters away from the land acquired, although it is not advantageous compared to the land acquired and the land covered by Ext.A15.

24. Before we delve further on this issue, we must consider the evidence adduced by the parties in LAR No.17/2017 which will be crucial and will have a serious bearing on the decision we are about to arrive in this appeal.

25. **Evaluation of evidence in LAR No.17 of 2017.**

An extent of 0.35 Ares of land Comprised in Survey No.365/14-9 pt of Marady Village was the subject matter of the acquisition for the sale notification. The Land Acquisition Officer awarded an amount of Rs.14,17,803/- per Are and Rs.1,93,532/- towards the value of the building/structures. Dissatisfied with the quantum of compensation awarded by the Land Acquisition Officer, the claimant sought reference before the reference court. In support of the claim, the claimant adduced evidence in the form of Exts.A1 to A8 documents. The details of which are extracted hereunder:



A1	17.03.15	Certified copy of Award in LAR 68/06 of Sub Court, Muvattupuzha
A2	26.07.18	Copy of Order in L.A.Appl. 416/2015 of Hon'ble High Court of Kerala
A3	23.07.18	Certified copy of Sale deed No.2608/2015 of Muvattupuzha SRO
A4		Registration certificate of Restaurant of claimant (AW1)
A5	06.03.13	Certified copy of Award in LAR 65/2011 of Sub Court, Muvattupuzha
A6	27.08.17	Certified copy of proceedings of District Collector
A7	16.05.07	Certified copy of Sale deed No.3237/07 of Muvattupuzha SRO
A8	22.01.19	Certified copy of Award in LAR 134/2009 of Sub Court, Muvattupuzha.

Among the documents mentioned above, two documents assume importance. Ext.A1 is the award passed in L.A.R. No.68 of 2006 arising out of an acquisition for widening of Thodupuzha-Muvattupuzha road under the Kerala State Transport Project (KSTP). The date of notification under Section 4(1) of the Land Acquisition Act is 31.1.2003 and that the Land Acquisition Officer fixed the land value at Rs.1 Lakh per Are. The reference court enhanced the land value at Rs.32,22,200/- per Are relying on the two exemplars namely Sale Deed No.1835/2000 dated 4.4.2000 and Sale Deed No.1856 of 2000 dated 5.4.2000. Ext.A8 is yet another award passed by the Sub Court Muvattupuzha in LAR No.134 of 2009 in respect of an acquisition of widening of Muvattupuzha- Ettumanoor MC Road under the aegis of KSTP. The notification under Section 4(1) of the erstwhile Land Acquisition Act was issued on 15.1.2005. The Land Acquisition Officer fixed the land value



at Rs.1,40,400/- per Are which was enhanced by the reference court to Rs.45 Lakhs per Are. We must consider the applicability of the order of the reference court in these two land acquisition references in respect of an earlier acquisition for the widening of the MC Road. Pertinently, the property acquired is in the same village.

26. In **Manoj Kumar and Others vs. State of Haryana and Others** [2018 (13) SCC 96] the Supreme Court held that an award or a judgment cannot be taken into consideration while considering a reference under Section 18 of the erstwhile Land Acquisition Act 1894.

27. However in **Sardara Singh and Others vs. Land Acquisition Collector, Improvement trust, Rupnagar and Others** [2020 (14) SCC 483], the Supreme Court was called upon to consider as to whether to compensation based on previous instance of acquisition in proximity for the location and potential of the land acquisition could be considered with cumulative increase. While dealing with the said issue, the impact of the judgment rendered by the Apex Court in **Manoj Kumar** (Supra) fell for a direct consideration before the Apex Court wherein it was held that the observations in **Manoj Kumar** (Supra) were made in the context of the peculiar facts of that matter. We deem it appropriate to extract paragraph 10 of the matter:



10. Mr. S.C. Pathela, learned counsel appearing for Respondent-Improvement Trust, submitted that the site plan, on which reliance was placed, was never exhibited before the Courts below and as laid down by this Court in *Manoj Kumar Vs. State of Haryana & Ors.*, (2018) 13 SCC 96, the rate awarded in previous acquisitions ought not to be readily relied upon. We have gone through the decision of this Court in *Manoj Kumar (supra)*. In our view, the observations in the said case were made in the context of the peculiar facts of the matter.

28. Even if we were to assume that the order of the reference court in LAR No.134 of 2009 can be taken as an exemplar, the question would remain whether an exemplar beyond a period of nine years can be taken into consideration?

29. In *Ramesh Kumar vs. Bhatinda Integrated Co-operative Spinning Mills and Others* [2022 (1) SCC 284], the Apex Court held that though the court should always be cautious in considering the exemplars beyond a period of five years (9 years in that case) while applying the escalation, the condition prevalent in the vicinity about the marketability of the lands will have to be taken into consideration while applying the escalation. The question of a favourable market condition for applying the escalation is definitely a criteria for the purpose of determining the land value based on an exemplar beyond nine years.



30. Thus, the following points emerges out of a cumulative reading of the aforesaid precedents:

- a. The order of the reference court in respect of an acquisition in the same village can be considered for the purpose of calculating the market value.
- b. Exemplars beyond nine years can also be taken for consideration provided the escalation price are cautiously applied.

31. Before we proceed further, we must also state the reason as to why it is necessary for this Court to take Ext.A8 order of the reference court as one of the exemplars. It must be noted that the order of the reference court in L.A.R. No.68 of 2006 and 70 of 2006 were relied on for fixing the land value at Rs.45,00,000/-. The order of the reference court in a similar case was challenged by the State in L.A.A. No.247 of 2013 and by judgment dated 26.7.2018, a learned Single Bench of this Court dismissed the appeal preferred by the State. Therefore, as on 31.03.2003, the land value in respect of the land in Marady Village stands fixed at Rs.32,22,200/- whereas in respect of an acquisition in 2005 as per Ext.A8, the land value stood fixed at Rs.45,00,000/-. Pertinently, the State has not chosen to prefer any appeal against Ext.A8 order of the reference court and accordingly the fixation of the land value at Rs.45,00,000/- has become final. We must also note that in respect of acquisition covered by Ext.A8 reference which is in fact the



property in the same village, the State conceded for fixing of value at 40% above the land value fixed as Rs.32,22,200 per are as per Ext A1. However, when the District Collector determined the market value of the lands in question, he completely ignored the decision of this court in LAA No.247 of 2013 and the subsequent judgment of the reference court. Hence we are of the considered view that the claimants are entitled to seek for applying the principles of escalation either from Ext A 1 or from Ext A8 for arriving at a just and fair compensation.

32. Even if we are inclined to hold that Exts.A1 or Ext.A8 has to construed as exemplars, the probing question which would still linger in our minds is whether it is permissible for us to apply the escalation of 10-15% on either Ext A 1 or Ext A 8.

33. In **Central Warehousing Corporation vs. Takur Dwara Kalan ul-Maruf Baraglan Wala** [2023 SCC Online 1361], the question as to whether escalation can be applied to the land value fixed in an order of the reference court rendered 11 years before the notification came up for consideration before the Supreme Court. After considering various decisions on the point, including **General Manager, Oil and Natural Gas Corporation Limited vs. Rameshbhai Jivanbhai Patel** [2008 (14) SCC 745] it was held that in cases of award of the reference court having 11 years old, 8% cumulative rate can be applied.



34. In **Pal Singh and Others vs. Union Territory of Chandigarh** [1992 (4) SCC 400], the Apex Court held that the market value determined by the High Court for the land in the vicinity of the acquired land could be admitted in evidence for the purpose of determining the market value in question.

35. In **New Okhla Industrial Development Authority vs. Harnand Singh (Deceased) through Lrs. and Others** [2024 SCC OnLine SC 1691], the Supreme Court held that guesstimation hinges on the courts ability to exercise informed judgment and expertise in assessing the market value of the land especially when the evidence does not tender a straightforward answer.

36. The inevitable conclusion flowing out of the discussions as above is that the reference court went miserably wrong in discarding Exts.A1 and A8 and proceeding purely on guesswork, although it is permissible to apply the principles of guesstimation.

37. On a cumulative assessment of the evidence on record, both the land acquisition reference in both L.A.R. Nos.17 & 25 of 2017, the following points emerges:

- a) In respect of an acquisition of land in the same village the land value per Are is fixed as Rs.32,22,200/- in the year 2003 and Rs.45 Lakhs in the year 2005.



b) A transaction of sale entered in the year 2008 by document No.3623 of 2008, an amount of Rs.10 Lakhs is fixed per Are.

c) In respect of transaction entered in the year 2012, as revealed from Ext.B4 the land value of Rs.12,00,495/- per Are is fixed.

38. Once the principles governing the calculation of the market value of the land in terms of provisions contained in Section 26(1) of Act 30 of 2013 are framed, we must further compare the average sale price of the land to arrive at the market value. Explanation 1 of Section 26 requires that while computing the average sale price referred to in Clause (3) of Section 26, the same in respect of similar type of area in the near village or near vicinity during immediately proceedings three years must be taken.

39. We are thus of the considered view that Ext.A8 in LAR No.17 of 2017 has to be considered as an exemplar and must be necessarily tested along with Ext.B4 and document No.3623 of 2008 mentioned in Ext.A15. We must, however, be cautious when we compare Ext.A8 at one side and Ext.B4 or Document No.3623 of 2008 mentioned in Ext.A15 proceedings of the District Collector, since apparently there is a huge difference in respect of the market value of the land covered by Ext.A8. This would perhaps deter us from taking Ext.A8 singularly without comparing it with the other evidence on record. Although we are mindful



of the fact that there exists disparity between Exts.A8 and the other documents, still, we are required to arrive at a market value based on principles of guesstimation expounded by the Supreme Court in **New Okhla Industrial Development Authority (Supra)**.

40. Coming to the next restrictive covenant under Explanation 3 to Section 26(1)(b) of the Act we must at the outset notice certain inherent defects in the argument the learned Speical Government Pleader appearing for the State based on the explanation as above and also the decision of the Coordinate bench in **State of Kerala vs Mathew [2024 (3) KHC 413]**.

41. In order to appreciate the argument in a better perspective we deem it appropriate to extract Explanation 3 to Section 26(b) of Act 30 of 2013 which reads as follows:

Explanation 3- While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion shall not be taken into consideration.

42. A reading of Explanation 3 shows that what is prohibited is placing reliance on the compensation granted under the Act in similar case while determining the market value. The component of compensation provided under the Act includes solatium and interest.



However, read as may be, we are not able to find out any restriction created by the statute in relying on the market value fixed by the reference court under the erstwhile Land Acquisition Act 1894. Still further the word used is **“amount paid as compensation”** (emphasis supplied) and not the market value of the land. The word ‘compensation’ mentioned in Explanation 3 to Section 26(1) must be construed in the light of Section 27 and Section 28 of the Act. A reading of Section 28 shows that the Collector, in determining the compensation must take into account various components required by the Statute. Pertinently, the market value is only one of the component of the compensation. When the entire scheme of Sections 26 and 28 is examined, it becomes evident that compensation determined under Section 27 includes multiple factors mentioned under Section 28, and therefore the parliament wanted to exclude the same and hence Explanation 3 was inserted. To read Explanation 3 to Section 26(1)(b) of the Act as one prohibiting the court to take into consideration the market value fixed by the reference court or High Court in respect of an acquisition in the same village at an earlier point of time would certainly amount to adding words into the statute which is impermissible going by settled principles governing Interpretation of Statute.



43. There is yet another reason as to why we must hold that Explanation 3 to Section 26(1)(b) cannot be pressed into service by the State. A reading of Ext.A8 shows that the State has conceded to the fixing of market value of the land in the same village for the purpose of widening of MC road, which was under the old Act. However, when the proceedings under the new Act were initiated, the State was obliged to grant equal treatment to the other landowner in the same village by considering Ext A8 also along with other exemplars. Having not chosen to do so, violates Article 14 of the Constitution.

44. In **Nagpur Improvement Trust and another Vs Vithal Rao and other [(1973)1 SCC 500]** the Constitution Bench of the Supreme Court held that if two enactments enable the State for the acquisition of land and the state discriminates owners on the said basis, the owner who is discriminated can claim protection of Article 14.

45. We are thus inclined to hold that the award passed in an earlier acquisition fixing the market value of the land in the same village should have been reckoned by the District Collector to arrive at the market value for the purpose of determining the compensation liable to be paid under Section 28 of the Act 30 of 2013. We must also remember that though the right to hold property is not a fundamental right, it remains as Constitutional Right. Any decision of the state which infringes the said



right without recourse to established procedure of law cannot be affirmed by the court.

46. Coming to the decision of the coordinate bench of this Court in **Mathew (supra)**, we find none of the decisions of the Supreme Court especially in **Pal Singh(supra)** and **Central Warehousing Corporation (supra)** and the statutory framework of the Act which has been taken note by us were considered. Hence, we are of the view that the decision cannot be seen as laying down an absolute proposition of law. Thus, we reject the argument of the State and hold that the market value fixed in an earlier acquisition under the erstwhile Land Acquisition Act, 1894 can be looked into for the purpose of determining the market value under the new Act.

47. Having answered these intriguing questions, we proceed to compare the value as reflected in the documents taken note of by us. We thus arrive at the following figures.

Document Number	Market value
Value as per Ext.A8 Rs.45,00,000/- per Are Applying escalation of 8% cumulative	Rs.92,22,886/-
Value of Ext.B4 Rs.12,00,495/- per Are 15% escalation for two years	Rs.16,17,488.20
Document No.3623/2008 Rs.10,89,045/- per Are 15% escalation for six years	Rs.26,63,717.24



48. By adopting the method prescribed under Section 26(1)(b) of the Act, we arrive at a market value of the lands in question at Rs.45,01,363/- per Are as per the calculation arrived as below:

$$(92,22,886+16,17,488+26,63,717=1,35,04,091/3= 45,01,363)$$

49. The reason for taking Ext.A8 in LAR No.17 of 2017 and Ext.B4 in LAR No.25 of 2017 and Sale deed No.3623/2008 for purpose of arriving at a market value is that though the market value as per Ext.A8 is fixed as Rs.45,00,000/- in the year 2005, when Sale Deed No.3623 of 2008 was executed the value per Are came down to Rs.10,89,045/- and in Ext.B4 it went above up to Rs.12,00,495/- per Are in the year 2012. Therefore it leads to irresistible conclusion that market value of land in the vicinity remained volatile though land covered by Ext.A8 and Sale Deed No.3623 of 2008 are in proximity with the land acquired. This would certainly justify our conclusion as above.

50. Value of the buildings.

In L.A.R. Nos.25, 26 and 27 of 2017, and LAR No.17 of 2017 the claimants further claimed compensation towards the value of the buildings/structures in the acquired property. In terms of Ext.B36 statement, the total value of the structures as estimated by the Executive Engineer, KSTP, is Rs.3,01,907/- and depreciated value is Rs.95,766/-. In LAR No.26 of 2017, the value estimated by the Executive Engineer is



Rs.2,98,291/- and the depreciated value is Rs.95,217/-. In L.A.R No.27 of 2017 the value is Rs.2,60,568/- and the depreciated value is Rs.83,000/-. The reference court granted the value fixed under Ext.B36, B37 and B38 by calculating the depreciated value of the building which is stated to be around 55 years old. The main dispute raised by the claimants is with regard to the manner in which the buildings were valued and therefore they sought the appointment of an Advocate Commissioner for local inspection, who, on the basis of inspection, filed Exts.C2, C2(a) and C2(b) reports along with the chartered Engineer and Valuer who was examined as AW2. On a perusal of the report, it is seen that the Chartered Engineer had prepared the report based on the Delhi scheduled rates for the year 2016 whereas, the valuer ought to have calculated the value of the building/structures in the acquired property as on 29.3.2014, the date of Section 4(1) notification. The reference court rejected the report of the Chartered Engineer/valuer for the aforesaid reason. We do not find any infirmity or jurisdictional error in the findings of the reference court rejecting the report of the valuer. However, having said so, we cannot remain oblivious of the fact that even if the buildings are valued at the PWD rates, normally, 30% to 35% escalation will be granted by the PWD when retendering process takes place. The reference court, however, accepted the above principle and granted only 20% increase in



the value of the structures awarded by the Land Acquisition Officer. We are of the considered view that the percentage of increase granted by the reference court is not adequate and therefore we raise the same upto 35%. The increased value of the buildings is as follows:

LAR Nos.	Amount awarded by the Land Acquisition Officer	Amount awarded by the reference court	Enhanced amount awarded by this Court
LAR No.25 of 2017	95766	19153.20	14,364.9(33518.1-19153.2)
LAR No.26 of 2017	95217	19,043.4	14,282.5(33325.9-19043.4)
LAR No.27 of 2017	83,000	16,600	12,450(29050-16,600)
LAR No.17 of 2017	1,93,532	38,706.4	29,029.8(67,736.2-38,706.4)
LAR No 31 of 2017	8217	1643.4	1232.55(2875.95-1643.4)
LAR No 55 of 2017	2,16,616	43,323.20	32492.4(75,815.6-43,323.20)

51. Claim for rehabilitation settlement

The claim for compensation towards the rehabilitation and resettlement process slightly varies in LAR Nos.25-27/2017 and LAR No.17/2017. The compensation towards rehabilitation and resettlement is provided under Section 31 of the Act 30 of 2013. The rates at which such resettlement compensation is liable to be calculated are given under the second schedule to the Act. The claim before the reference



court is under two heads. Clause 4 and Clause 8 are extracted here for reference.

The Second Schedule

[See Sections 31(1), 38(1) and 105(3)]

Elements of Rehabilitation and Resettlement Entitlements for all the affected families (Both land owners and the families whose livelihood is primarily dependent on land acquired) in addition to those provided in the First Schedule.

Serial No.	Elements of Rehabilitation and Resettlement Entitlements	Entitlement/provision	Whether provided or not (if provided, details to be given)
Xxx	xxx	xxx	xxx
4	Choice of Annuity or Employment	The appropriate Government shall ensure that the affected families are provided with the following options: (a) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) one time payment of five lakhs rupees per affected	



		family; or (c) annuity policies that shall pay not less than two thousand rupees per month Per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.	
8	One-time grant to artisan, small traders and certain others	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees.	

52. The rehabilitation amount awarded by the Land Acquisition Officer is under Clause 8 comes to 25,000/-. The reference Court rejected the claim on the ground that the claimant has been awarded Rs.3,000/- per month for twelve months. In our considered view, the said findings cannot be sustained especially since the right to claim subsistence grant under the Statute is independent to that of the entitlement to claim resettlement compensation under Clause 8 of the second schedule to the Act 30 of 2013. Therefore, the claimants are entitled to succeed on that point.



53. However, we find that the rates are subject to fixation by the State under relevant notification. What is provided under the Statute is the minimum payable. We are informed by the parties that the State of Kerala by G.O.(Ms.) No.448/2017/RD dated 29.12.2017 has prescribed the rate under Clause 8 at Rs.50,000/-. Therefore, we are of the view that all the claimants are entitled to an additional sum of Rs.25,000/- under clause 8 of the second schedule of Act 30 of 2013. Although it is contended before us by the claimants that there were employees in the shops of the claimants, we find that no evidence was produced before the reference court showing the payment of wages to the employees or the muster roll before the Administrator appointed under the Act. In the absence of such documentary evidence, the reference court rightly rejected the claim of the claimants for resettlement compensation to the employees.

54. Insofar L.A.R. No.17 of 2017 is concerned, the claimant has raised a specific claim for the grant of annuity under Clause 4 of the second schedule to the Act. The reference court, while answering the said issue, found that the claimant did not examine any of his employees in the restaurant "Karthika Restaurant" stated to have been run by him. The reference court also found that on the date of inspection by the Advocate Commissioner on 1.2.2019, the restaurant was functioning.



However, the fact remains that after the order of the reference court and before filing of the appeal, the possession of the land acquired along with the building was taken by the State and the same was demolished. In the memorandum of appeal, we find a specific averment under paragraph No.5 of the statement of facts and under the grounds of appeal that the building was subsequently demolished which is not disputed before us. The State has prescribed the rate of annuity liable to be paid under Clause 4 of the second schedule to Act 30 of 2013 as 5 lakhs. In view of the above, we are of the considered view that the appellant in L.A.A. No.47 of 2021 (claimant in L.A.R. No.17 of 2017) is entitled for the compensation of Rs.5 Lakhs as annuity in terms of Clause 4 of the Second Schedule to the Act 30 of 2013.

55. As an upshot of our discussion as above, we summarize our findings as follows.

1. The market value of the land acquired is fixed at Rs. **45,01,363/-** per Are as on 29.03.2014, the date of notification.
2. All claimants/appellants before us are entitled for an additional amount of Rs.25,000/- in terms of Clause 8 of the second schedule.



3. The claimants in L.A.R. No.17 of 2017 are entitled for an additional amount of Rs.5 Lakhs as annuity in terms of Clause 4 of the second schedule.
4. The claimants will be entitled for all the statutory benefits flowing out of the fixation of the market value of the land acquired.
5. The claimants will also be entitled for proportionate cost in the appeals before us.

Accordingly, the appeals preferred by the claimants for enhancement are partly allowed, and the appeals preferred by the State challenging the order of the reference court fixing the market value are dismissed. Ordered accordingly.

Sd/-
Dr. A.K. Jayasankaran Nambiar
Judge

Sd/-
Easwaran S.
Judge



APPENDIX OF LA.APP. 65/2022

RESPONDENT ANNEXURES

Annexure A **TRUE COPY OF THE SALE DEED NO.1454 OF 1993
DATED 15-04-1993**

Annexure B **TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE
DATED 27-07-2023**