

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 3/2020

1. An extent of 0.12 Ares of land comprised in Re-Sy. No. 87/1-2 of Vanchiyoor Village was acquired for the purpose of the widening of Pettah – Anayara Road for PWD.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.89,641.54/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 4/2020

1. An extent of 0.28 Ares of land comprised in Re-Sy. No. 88/8 and 88/9 of Vanchiyoor Village was acquired for the purpose of the widening of Pettah – Anayara Road for PWD.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.2,09,163.58/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 6/2020

1. An extent of 0.60 Ares of land comprised in Re-Sy. No. 698/2 of Kadakampally Village was acquired for the purpose of the widening of Pettah – Anayara Road for PWD.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.4,48,207.68/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 7/2020

1. An extent of 0.15 Ares of land comprised in Re-Sy. No. 85/7 of Pettah Village was acquired for the purpose of the widening of Pettah – Anayara Road for PWD.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.1,12,051.95/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 8/2020

1. An extent of 0.15 Ares of land comprised in Re-Sy. No. 87/9 of Vanchiyoor Village was acquired for the purpose of the widening of Pettah – Anayara Road for PWD.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.1,12,051.95/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 9/2020

1. An extent of 01.03 Ares of land comprised in Re-Sy. No. 699/7 and 6 of Kadakampally Village was acquired for the purpose of the widening of Pettah – Anayara Road for PWD.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.7,69,423.39/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 10/2020

1. An extent of 0.80 Ares of land comprised in Re-Sy. No. 2/18 of Pettah Village was acquired for the purpose of the widening of Pettah – Anayara Road for PWD.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.5,97,610.4/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 11/2020

1. An extent of 01.78 Ares of land of which 0.43 Ares comprised in Re-Sy. No. 700/12 and 01.35 in Sy. No. 699/8 of Kadakampally Village was acquired for the purpose of the widening of Pettah – Anayara Road.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.13,29,683.14/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 12/2020

1. An extent of 0.17 Ares of land comprised in Re-Sy. No. 87/7 of Vanchiyoor Village was acquired for the purpose of the widening of Pettah – Anayara Road.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.1,26,992.21/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 13/2020

1. An extent of 0.57 Ares of land comprised in Re-Sy. No. 2/19 and 20 of Pettah Village was acquired for the purpose of the widening of Pettah – Anayara Road.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.4,25,797.41/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 14/2020

1. An extent of 0.41 Ares of land comprised in Re-Sy. No. 86/1 of Vanchiyoor Village was acquired for the purpose of the widening of Pettah – Anayara Road.
2. The 4(1) notification of LA Act was published on 03-02-2004 and the award was passed on 24-02-2007.
3. The property was taken possession on 18-08-2008.
4. The enhancement amount of compensation by Court is Rs.3,06,275.25/-.
5. The land value is fixed @ Rs.10,50,000/- per are.

Sd/-

II Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE
THIRUVANANTHAPURAM

Present : Smt. Asha Devi. V.S., Second Addl. Sub Judge

Tuesday, 20th May, 2025 / 30th Vaisakha, 1947

LAR Nos. 3/2020, 4/2020, 6/2020, 7/2020, 8/2020,
9/2020, 10/2020, 11/2020, 12/2020, 13/2020 & 14/2020

LAR No. 3/2020

(LAC No. 510/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANT :

C. Syamala,
residing at TC 3/1868(4), Om Nivas,
Pettah, Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.
(Addl. Govt. Pleader & Public Prosecutor)

LAR No. 4/2020

(LAC No. 513/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANT :

Lalithamba,
residing at TC 3/1869, Pathirikkari Muri,
Pettah, Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.
(Addl. Govt. Pleader & Public Prosecutor)

LAR No. 6/2020

(LAC No. 490/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANT :

Ramalekshmy,
residing at TC 30/451, Munnamanakkal,
Pettah, Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.
(Addl. Govt. Pleader & Public Prosecutor)

LAR No. 7/2020

(LAC No. 497/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANT :

P. Usha Devi,
residing at Pandarathopp veedu, Pathirikkari muri,
Medayil veedu, Pettah, Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.
(Addl. Govt. Pleader & Public Prosecutor)

LAR No. 8/2020

(LAC No. 511/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANT :

D. Gopi,
residing at Aluvilakathu veedu,
Pettah. P.O., Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.
(Addl. Govt. Pleader & Public Prosecutor)

LAR No. 9/2020

(LAC No. 488/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANT :

Suseela,
residing at Mamoodu veedu,
Kadakampally, Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.
(Addl. Govt. Pleader & Public Prosecutor)

LAR No. 10/2020

(LAC No. 478/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANT :

K. Baiju,
residing at Geetha Nivas, TC 30/527,
Near Pettah Railway Gate, Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.
(Addl. Govt. Pleader & Public Prosecutor)

LAR No. 11/2020

(LAC No. 487/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANT :

Santhamma,
residing at TC 30/455, Near Railway Gate,
Mammoottil veedu, Munnamanakkal, Pettah,
Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.

(Addl. Govt. Pleader & Public Prosecutor)

LAR No. 12/2020

(LAC No. 509/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANTS :

1. Sulochana, residing at Kaivittuvilakathu veedu,
Anayara, Kadakampally, Thiruvananthapuram.
2. Nithin. S. Ajith, residing at Kaivittuvilakathu veedu,
Anayara, Kadakampally, Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.

(Addl. Govt. Pleader & Public Prosecutor)

LAR No. 13/2020

(LAC No. 481/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANTS :

1. Vasini Devi, residing at Kizhakkekattil veedu,
Munnamanakkal, Pettah, Thiruvananthapuram.
2. Sajitha, residing at Kizhakkekattil veedu,
Munnamanakkal, Pettah, Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.
(Addl. Govt. Pleader & Public Prosecutor)

LAR No. 14/2020

(LAC No. 504/2006 (Deputy Collector (LA), Collectorate,
Thiruvananthapuram u/s.28(A)(3) of the Land Acquisition Act)

CLAIMANT :

Thankamony,
residing at Gokulam, TC 30/1859, Munnamanackal,
Pettah, Thiruvananthapuram.

By Advs. Smt. S. Seena, C. Vijayanthi & S. Subha.

RESPONDENT :

State of Kerala, represented by the District Collector,
Thiruvananthapuram.

By Adv. Sri. P.S. Sreejith.
(Addl. Govt. Pleader & Public Prosecutor)

These references having been finally heard on 20-05-2025 and the
court on the same day delivered the following.

COMMON JUDGMENT

All the References are under Sec 28 (A) (3) of the Land Acquisition
Act. The References are related to the acquisition of properties for the

widening of Pettah-Anayara Road. Notification u/s 4(1) was published on 03.02.2004. Award was passed on 24.02.2007. Land was taken possession on 18.08.2008.

2. **Brief facts leading to Reference in LAR No.3/20 are as follows :**

The State of Kerala has acquired 0.12 Ares of land in Re Sy No.87/1-2 of Vanchiyoor Village as per LAC No.510/2006. The LA Officer has fixed the value at the rate of Rs.3,02,987.20/- per Are and for the 0.12 Ares acquired Rs.36,358.46/- was allowed with other benefits which made compensation of Rs.43,004/-. The claimants relied upon the judgment in LAR No.38/2009 of Additional Sub Court, Thiruvananthapuram. The Award referred was passed u/s 28(A) of the Land Acquisition Act. The claimant alleged that the value was fixed at a very low rate. Hence sought for Reference u/s 28 (A) (3) of the LA Act. The claimants do relied upon the judgment in LAR No.533/2008 of 2nd Additional Sub Court, Thiruvananthapuram for the Reference.

Brief facts leading to Reference in LAR No.4/20 as follows :

This Reference relates to the acquisition of 0.28 Ares of property in Sy No.88/3-10 of Vanchiyoor Village as per proceedings in LAC No.513/2006. The claimants received compensation of Rs.88,401/- in

513/2006. The claimants filed Reference u/s 28 A based on judgment in LAR No.38/2009 of Additional Sub Court, Thiruvananthapuram. As per re-determination the claimants has received Rs.1,09,192/- as total compensation. The claimants alleged that the District Collector passed the Award in an unreasonable and arbitrary manner without considering the judgment of the Court. Hence the Reference was made u/s 28 A (3) of the Act.

Brief facts leading to Reference in LAR No.6/20 as follows :

Land having an extent of 0.60 Ares of property owned by the claimant was acquired under the same notification referred in LAR 3/20 and 4/20. This claimant was granted with compensation of Rs.1,89,640/-. Hence Reference was made u/s 28 A of the Act by placing reliance on the judgment in LAR No.38/2009 of Additional Sub Court, Thiruvananthapuram and the District Collector has awarded Rs.2,78,495/- as total compensation. Aggrieved by the said Award, this Reference is made u/s 28 A (3) of the Act.

Brief facts leading to Reference in LAR No.7/20 as follows :

The property having an extent of 0.15 Ares of property in Sy No.85/2 of Vanchiyoor Village was acquired from the claimant for the widening

of Pettah-Anayara Road. The LA Officer has fixed the value at the rate of Rs.1,11,463/- as total compensation. The claimant has filed Reference u/s 28 A for re-determination of the value and the District Collector has awarded Rs.73,676/- as value for the property, dissatisfied with such amount Reference u/s 28 A (3) of the Act is made.

Brief facts leading to Reference in LAR No.8/20 as follows :

Property having an extent of 0.15 Ares of property in Sy No.87/1-1 of Vanchiyoor Village was acquired for the above referred notification. The claimant received Rs.69,892/- towards compensation. The claimant filed application u/s 28 A for re-determination of compensation and the District Collector has awarded an amount of Rs.73,676/- as total compensation. Aggrieved by the Award the claimants preferred application u/s 28 A (3) of the Land Acquisition Act.

Brief facts leading to Reference in LAR No.9/20 as follows :

This Reference relates to acquisition of 1.03 Ares of property in Sy No. 69/95 of Vanchiyoor Village for the same purpose mentioned in the above numbered References. The claimant received Rs.37,878/- as compensation as per Award of the Award of the LA Officer dated 24.02.2007. Dissatisfied with the award the claimant has filed application

u/s 28 (A) of the Land Acquisition Officer by relying upon the judgment in LAR 38/2009 of the 1st Additional Sub Court, Thiruvananthapuram. The District Collector allowed compensation of Rs.45,00,000/-. Aggrieved by the said Award this Reference made u/s 28 (A) (3) of the LA Act.

Brief facts leading to Reference in LAR No.10/20 as follows :

For the widening of Pettah-Vellayambalam road, 0.80 Ares of property in Sy No.2/1 of Pettah Village owned by the claimant was acquired by proceedings in LAC No.478/06. The claimant received an amount of Rs.2,53,117/- as compensation. The claimant has filed application u/s 28 (A) of the LA Act for determining the compensation and the District Collector has Awarded Rs.3,92,937/- as compensation. The claimant alleged that the Award was made without considering the judgment of the Court. Hence the claimant filed application u/s 28 (A) (3) of the LA Act. Hence the Reference.

Brief facts leading to Reference in LAR No.11/20 as follows :

Land having an extent of 01.78 Ares in Sy No.700/3-1 of Kadakampally Village was acquired as per proceedings in LAC No.487/06. By Award dated 24.02.2007. The claimant received an amount of Rs.5,39,316.86/-. Aggrieved by the amount awarded the claimant filed an application u/s

28(A). The District Collector redetermined compensation and granted the amount of Rs.8,74,285/-. Dissatisfied of such an amount he filed application for reference u/s 28 (A) (3). It is forwarded to the Court and numbered as LAR No.11/20.

Brief facts leading to Reference in LAR No.12/20 as follows :

The property is having an extent of 0.17 Ares in Sy No.87/1-3 of Vanchiyoor Village was acquired as per LAC No.509/06 for widening of Pettah-Anayara road. The claimant was granted with compensation of Rs.53,672/- per Award dated 24.02.2007. The claimant filed application u/s 28 (A). The District Collector re-determined the compensation as Rs.83,500/-. The claimant alleged that no reasonable determination was done on the basis of judgment relied on by him. Hence sought for Reference u/s 28 (A) (3) of the LA Act.

Brief facts leading to Reference in LAR No.13/20 as follows :

By proceedings in LAC No.481/2006, 0.57 Ares of property was owned by the claimant acquired with compensation of Rs.1,29,445/- as per Award dated 24.02.2007. The claimant filed application u/s 28(A) relying on the judgment in LAR 588/09 of Additional Sub Court, Thiruvananthapuram. The District Collector redetermined the Award

by granting compensation of Rs.2,79,966/-. The claimant alleged that the Award relied on by them was not followed in the true spirit. Hence Reference u/s 28(A)(3) of the LA Act.

Brief facts leading to Reference in LAR No.14/20 as follows :

Land having an extent of 0.41 Ares in Sy No.86/1 of Pettah-Anayara Road. The claimant was granted with Rs.1,29,445/- as compensation as per Award dated 24.02.2007. The claimant received the compensation under protest and filed application u/s 28 (A) of the Act by relying upon the judgment in LAR No.588/2009 of this Court. The District Collector redetermined the compensation to Rs.1,46,928/-. Aggrieved by the same this Reference made u/s 28(A)(3) of the LA Act.

Since the properties of the claimants of all the above reference cases were acquired under the same notification, joint trial of all the cases was allowed as per Order in IA 1/22.

3. The following points arose for the determination in LAR No.3/20 :

The following points arose for determination :-

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

The following points arose for the determination in LAR No.4/20 :

The following points arose for determination :-

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

The following points arose for the determination in LAR No.6/20 :

The following points arose for determination :

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

The following points arose for the determination in LAR No.7/20 :

The following points arose for determination :

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

The following points arose for the determination in LAR No.8/20 :

The following points arose for determination :

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

The following points arose for the determination in LAR No.9/20 :

The following points arose for determination :

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

The following points arose for the determination in LAR No.10/20 :

The following points arose for determination :

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

The following points arose for the determination in LAR No.11/20 :

The following points arose for determination :

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

The following points arose for the determination in LAR No.12/20 :

The following points arose for determination :

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

The following points arose for the determination in LAR No.13/20 :

The following points arose for determination :

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

The following points arose for the determination in LAR No.14/20 :

The following points arose for determination:-

- 1) Is the claimant entitled to receive the enhanced compensation? If so, what shall be such compensation?
- 2) Relief and costs?

4. In evidence, the claimant in LAR 4/20 was examined as PW1. Exts.A1 to A4 were marked. R1 to R4 series (in all LARs) marked from the side of respondents.

6. **Point No. 1 in LAR Nos. 3/20, 4/20, 6/20, 7/20, 8/20, 9/20, 10/20, 11/20, 12/20, 13/20 and 14/20 are as follows :**

The evidence to be discussed under points 1 and 2 in all above referred LAR's is the same, hence discussed together.

7. The claimants had applied for reference u/s 28(A)(3) of the Land Acquisition Act. As we early see the acquisition of property in all the

References were for the widening of Pettah-Anayara road. Properties are included in Vanchiyoor, Pettah and Kadakampally village were acquired for the said purpose.

8. The claimants have filed application u/s 28A(3) of the Land Acquisition against the Order of determination of Award passed by the District Collector. Sec 28(A) is a provision whereby where the District Collector is granted with the power to redetermine the compensation on the basis of Award passed by the Court and relied upon the claimants. The claimants are dissatisfied by an Award passed by the District Collector under Sec 28(A) can ask to refer the matter to the Court for determining the compensation. The claimants in these References adopted the said procedure for redetermining the compensation granted by the District Collector u/s 28 (A) of the Land Acquisition Act.

9. While making Reference u/s 28 (A) of the Act, the claimants relied on the decision of the Additional Sub Court-1, Thiruvananthapuram in LAR No.38/09. Accordingly the District Collector awarded compensation of Rs.43,004/- in LAR No.3/20 instead of Rs.37,886/- granted by the LA Officer. In LAR 4/20 the District Collector has

awarded Rs.1,09,192/- to the claimant against the compensation of Rs.88,401/- fixed by the LA Officer. In LAR No.6/20, the redetermined compensation was Rs.2,78,495/- against Rs.1,89,640/- fixed by the LA Officer. In LAR No.7/20 the claimant had received compensation of Rs.1,11,463/- with land value of Rs.45,448.05/- for 0.15 Ares (Rs.3,02,987.20/- per Are). The District Collector refixed the compensation by adding Rs.28,414.59/- to the value of land and in total Rs.73,676/- was allowed. In LAR No.8/20, the District Collector has refixed the value as Rs.73,676/- in addition to Rs.69,892/- received by the claimant. In LAR No.9/20 also the claimant was allowed in Rs.4,50,000/- in addition to the amount of Rs.37,878/- received by the claimant. In LAR No.10/20 the refixed compensation is Rs.3,92,937/- against the Award of Rs.2,53,117/-. In LAR No.11/20 the compensation awarded by the LA Officer was Rs.5,39,316.86/- and the District Collector refixed the compensation as Rs.8,74,285/-. In LAR No.12/20 the District Collector has granted compensation of Rs.83,500/- u/s 28(A) of the Land Acquisition Act against the Award of Rs.53,672/- granted by the Land Acquisition Officer. In LAR No.13/20 the refixed compensation u/s 28(A) is Rs.2,79,966/- against Rs.90,186/-

granted by the Land Acquisition Officer. In LAR No.14/20 the re-fixed compensation is Rs.1,46,928/- against the compensation of Rs.1,29,445/- granted by the LA Officer.

10. While filing application u/s 28(A) the claimants relied on the decision in LAR No.38/09 of Additional Sub Court-1, Thiruvananthapuram. In LAR No.38/09, the land value was fixed as Rs.3,02,987/-. The re-determination u/s 28 (A) was done in the basis of the said amount of compensation. Thereafter the decision in LAR No.533/08 of this Court came wherein the compensation was fixed as Rs.10,50,000/-. The respondents contended that the said Award is under challenge in appeal. The Court while passing the Award in LAR No.533/08 relied on the judgments in LAR No.39/2009, 38/2009 and 43/2009. In none of the said cases, the compensation fixed was Rs.10,50,000/-. However it is quite an injustice if the claimants were not allowed with compensation granted to the claimants in LAR No.533/08 whose property were acquired under the same notification. Hence I am inclined to allow the claimants to realise the same amount as compensation. Points 1 to 3 found accordingly.

In the result,

LAR No.3/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per Are for the acquired property for 0.12 ares acquired from him. He is entitled to realise Rs.1,26,000/-. From the said amount, the amount of Rs.36,358.46/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.
- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

LAR No.4/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per Are for the acquired property. For 0.28 ares acquired from him, he is entitled to realise Rs.2,94,000/-. From the said amount, the amount of Rs.84,836.42/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.

- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

LAR No.6/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per Are for the acquired property for 0.60 ares acquired from him. He is entitled to realise Rs.6,30,000/-. From the said amount, the amount of Rs.1,81,792.32/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.
- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

LAR No.7/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per Are for the acquired property for 0.15 ares acquired from him. He is entitled to realise Rs.1,57,500/-. From the said amount, the amount of Rs.45,448.05/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.
- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

LAR No.8/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per Are for the acquired property for 0.15 ares acquired from him. He is entitled to realise Rs.1,57,500/-. From the said amount, the amount of Rs.45,448.05/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.

- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

LAR No.9/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per Are for the acquired property for 01.03 ares acquired from him. He is entitled to realise Rs.10,81,500/-. From the said amount, the amount of Rs.3,12,076.61/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.
- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

LAR No.10/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per Are for the acquired property for 0.80 ares acquired from him. He is entitled to realise Rs.8,40,000/-. From the said amount, the amount of Rs.2,42,389.60/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.
- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

LAR No.11/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per Are for the acquired property for 01.78 ares acquired from him. He is entitled to realise Rs.18,69,000/-. From the said amount, the amount of Rs.5,39,316.86/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.

- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

LAR No.12/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per Are for the acquired property for 0.17 ares acquired from him. He is entitled to realise Rs.1,78,500/-. From the said amount, the amount of Rs.51,507.79/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.
- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

LAR No.13/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per are for the acquired property for 0.57 ares acquired from him. He is entitled to realise Rs.5,98,500/-. From the said amount, the amount of Rs.1,72,702.59/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.
- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

LAR No.14/20 is answered as follows :

- 1) The claimant is entitled to realise compensation of Rs.10,50,000/- per Are for the acquired property for 0.41 ares acquired from him. He is entitled to realise Rs.4,30,500/-. From the said amount, the amount of Rs.1,24,224.75/- received from the LA Officer is to be deducted.
- 2) The claimant is entitled to get 30% solatium for the said amount.

- 3) The claimant is entitled to get 12% increase on market value from the date of notification under Sec 4(1) till date of Award, ie. 03.02.2004 to 24.02.2007.
- 4) The claimant is entitled to 9% interest on the amount referred in Reliefs 1 to 3 from the date of taking possession till one year, i.e 18.08.2008 to 17.08.2009 and thereafter with 15% interest from 18.08.2009 till the deposit of entire amount or its realisation.
- 5) The claimant is also allowed with costs of Rs.3,000/-.

Dictated to the C.A, transcribed and typed by her, corrected by me and pronounced in Open Court on this, the 20th day of May, 2025.

Sd/-
Asha Devi. V.S.
Second Addl. Sub Judge

APPENDIX

Exhibits for the Claimants :

- A1 - 20-08-2014 Certified copy of Judgment in LAR 533/2008
- A2 - 28-06-2024 Power of Attorney in favour of Ajaya Kumar
- A3 - 28-06-2024 Power of Attorney in favour of Rahul. S.B.
- A4 - 28-06-2024 Power of Attorney in favour of S.R. Dawn

Exhibits for the Respondents :

- R1 - Form No. 15 (LAC No. 510/2006)

- R2 - Schedule (LAC 510/2006)
- R3 - Copy of Note to Award (LAR 3/2020)
- R4 - Copy of Award (LAC 510/2006)
- R1(a) - Form No. 15 (LAC No. 513/2006)
- R2(a) - Schedule (LAC 513/2006)
- R3(a) - Copy of Note to Award (LAR 4/2020)
- R4(a) - Copy of Award (LAC 513/2006)
- R1(b) - Form No. 15 (LAC No. 490/2006)
- R2(b) - Schedule (LAC 490/2006)
- R3(b) - Copy of Note to Award (LAR 6/2020)
- R4(b) - Copy of Award (LAC 490/2006)
- R1(c) - Form No. 15 (LAC No. 497/2006)
- R2(c) - Schedule (LAC 497/2006)
- R3(c) - Copy of Note to Award (LAR 7/2020)
- R4(c) - Copy of Award (LAC 497/2006)
- R1(d) - Form No. 15 (LAC No. 511/2006)
- R2(d) - Schedule (LAC 511/2006)
- R3(d) - Copy of Note to Award (LAR 8/2020)
- R4(d) - Copy of Award (LAC 511/2006)

- R1(e) - Form No. 15 (LAC No. 488/2006)
- R2(e) - Schedule (LAC 488/2006)
- R3(e) - Copy of Note to Award (LAR 9/2020)
- R4(e) - Copy of Award (LAC 488/2006)
- R1(f) - Form No. 15 (LAC No. 478/2006)
- R2(f) - Schedule (LAC 478/2006)
- R3(f) - Copy of Draft Note to Award (LAR 10/2020)
- R4(f) - Copy of Award (LAC 478/2006)
- R1(g) - Form No. 15 (LAC No. 487/2006)
- R2(g) - Schedule (LAC 487/2006)
- R3(g) - Copy of Draft Note to Award (LAR 11/2020)
- R4(g) - Copy of Award (LAC 487/2006)
- R1(h) - Form No. 15 (LAC No. 509/2006)
- R2(h) - Schedule (LAC 509/2006)
- R3(h) - Copy of Draft Note to Award (LAR 12/2020)
- R4(h) - Copy of Award (LAC 509/2006)
- R1(i) - Form No. 15 (LAC No. 481/2006)
- R2(i) - Schedule (LAC 481/2006)
- R3(i) - Copy of Draft Note to Award (LAR 13/2020)

- R4(i) - Copy of Award (LAC 481/2006)
- R1(j) - Form No. 15 (LAC No. 504/2006)
- R2(j) - Schedule (LAC 504/2006)
- R3(j) - Copy of Draft Note to Award (LAR 14/2020)
- R4(j) - Copy of Award (LAC 504/2006)

Court Exhibits : Nil

Witness for the Claimants :

AW1 - 03-07-2024 Lalithambika. R.

Witness for the Respondents : Nil

Id/-
Second Addl. Sub Judge

// True copy //

Second Addl. Sub Judge

AJ / Compd by : FCS :

Copy of Common Judgment
in

LAR Nos. 3/2020, 4/2020,
6/2020, 7/2020, 8/2020,
9/2020, 10/2020, 11/2020,

12/2020, 13/2020 & 14/2020

Dtd. 20-05-2025
