IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE

THIRUVANANTHAPURAM

STATEMENT IN LAR NO. 194/2011

1. An Extent of 2.70 Ares of land comprised in Re Sy. No. 294/28 & Kazhakuttom Village was acquired for the purpose of the widening Railway Over Bridge at Kazhakuttom.

2. The 4(1) notification of LA Act was published on 05-11-2008 and the award was passed on 28-08-2010.

3. The property was taken possession on 14-09-2010.

4. The enhancement amount of compensation by Court is Rs.44,16,187.50/-

5. The land value is fixed @ Rs. 18,00,000/- per are.

Sd/-
Second Additional Sub Judge

IN THE COURT OF THE SECOND ADDITIONAL SUB JUDGE

THIRUVANANTHAPURAM

Present: Smt. Ashadevi. V.S, Second Additional Sub Judge

Monday 30th day of March, 2026/ 9th day of Chaithram, 1948

LAR. No. 194/2011

(LAC No.23/2010 (The Special Tahsildar, LA (N.H), PMG, Thiruvananthapuram)

(U/S 18 of the Land Acquisition Act)

Claimant:-

Radha, Varuvilakathu Veedu,
Kariyil, Kazhakkuttom

By Advocates. Sri. Kallara J Mony, Smt. Priya Santhosh Smt. Jalajadevi

Respondent:-

State of Kerala, represented by District Collector,
Collectorate, Thiruvananthapuram

By Advocate. Sri. P.S. Sreejith Additional Government Pleader and Additional Public Prosecutor

This reference having been finally heard on 30-03-2026 and the court on the same day delivered the following.

JUDGMENT

This is a reference under Section 18 of the Land Acquisition Act in LAC No.21/10 in respect of acquisition of 2.70 Ares in Re Sy No.294/28 of Kazhakkoottom village.

1) **Brief facts leading to the reference are as follows**. : The State of Kerala has acquired 2.70 Ares of land comprised in Re Sy No.294/28 of Kazhakkoottom village for construction of Railway Overbridge at Kazhakkoottom. Notification u/s 4 (1) of Land Acquisition Act published on 05.11.2008. Award was passed on 28.08.2010. Land was taken possession on 14.09.2010. The Land Acquisition Officer has granted compensation of Rs.1,64,375/- (Rupees One Lakhs Sixty Four Lakhs Three Hundred and Seventy Five only) per Ares for the acquired property. Aggrieved by the said Order, the claimant filed application u/s 18 of Land Acquisition Act. Hence, the Reference.

2) The claimant filed written statement with the following contentions: The acquired property is situated at the level cross on the Arattuvazhi road near Kazhakkoottom junction with road frontage. The acquired property is a part of commercial site, situated in a most demanded commercial area in the locality. Due to acquisition, the remaining property became a bit and useless thereby the claimant became injuriously affected. The value awarded by the LA Officer i.e, Rs.1,64,375/- per Are for the land does not reflect the market value of the acquired property at the time of notification. Similar lands in the locality, at the time of

notification fetched @ Rs.15,00,000/- (Rupees Fifteen Lakhs only) per cent. The basis of valuation adopted by LA Officer is illegal, incorrect and against all principles of natural justice. The value showed in all the documents especially in the basis document described in the Award is not the actual consideration passed to the vendor at the time of execution of the document and is a clear instance of under valuation evading from the payment of legal stamp duty. Moreover on a perusal of the basis document, it is evident that there is no similarity with the acquired property in situation as well as time angle which are necessary for ascertaining the true market value of the property acquired (AIR 1988 SC 1952). There is a time lag of one year between basis document and the notification u/s 4 (1) of the LA Act. The price of lands in the locality is day by day and that fact is not all considered by the LAO while passing the Award. The LA Officer without considering the importance of the locality, where the acquired land is situated, passed a meager amount as award. Whereas the locality possesses many public buildings and utility services like banks, police station, post office, market, educational institutions like schools, colleges, Sainik School, Engineering College, Coconut Nursery, Technopark, Convention Centres, Railway Station, hospitals, flats, Villas, apartments and various Churches, Temples and commercial complexes etc. The said area is widely known as electronic city. The LA Officer has failed to appreciate the potentialities and the other related advantages of the property while fixing the market value.

3) **<u>The following points arose for determination</u>** :-

1) Is the claimant entitled to enhanced compensation as prayed for ?
2) Relief and Costs ?

4) In evidence, the claimant is examined as AW2. Ext.A1 marked from the side of the respondents. R1 to R5 marked.

5) Points 1 and 2:- The acquired property belongs to the claimant. The acquired property in this reference is 2.70 Ares in Re Sy No.294/28 for construction of Railway Overbridge at Kazhakkoottom. Notification under Sec 4 (1) was published on 05.11.2008. The Award was passed on 28.08.2010 and land taken possession on 14.09.2010. The Land Acquisition Officer has granted compensation of Rs.1,64,375/- per Are from the property. The acquired property is claimed to be situated near Kazhakkoottom junction on the side of **Arattu** road. After acquisition the remaining property became useless and valueless. The Kazhakkoottom Railway Station, Marian Engineering College, Kinfra Park, Zainik Schools, religious institutions, market etc situated very near to the petition scheduled property. The revenue records shows the property as Nilam in the Reference forwarded to the Court. The property is having the

facilities equivalent to category ‘A’ property. The property was irrationally included in ‘B’ category. According to the claimant, the plaint schedule property is entitled to get compensation at the rate of Rs.15,00,000/- (Rupees Fifteen Lakhs only) per cent. The claimant relied on Ext.A1. The common judgment in LAR No.217/12, 29/12 to substantiate the contention.

6) The Learned Public Prosecutor submitted the Land Acquisition Officer has granted sufficient compensation for the acquired property. There is no material to find that the properties in Ext.A1 the acquired property. The property referred in Ext.A1 judgment is purayidam whereas acquired property is reported as Nilam. The claimant has not taken any steps to convert the nature of the property.

7) The acquired property in this case was acquired for the purpose of construction of Railway Overbridge at Kazhakkoottom. The claimant asserted that the property is situated on the side of **Arattu** Road at Kazhakkoottom. From the scene mahazar prepared by the Land Acquisition Officer, it is found that the property is on the side of **Arattu** Vazhi road and 180 cents from Railway Overbridge. Thus, the fact that the acquired property abuts a road is clear from the mahazar itself. It is also reported in the mahazar that there were 15 coconut trees in the property. AW1 while examined in Court deposed that she and her husband resided in the shed in the property. However at

the same time of preparation of the mahazar there was no shed in the property.

8) The claimant has relied on Ext.A1 judgment. The judgment refers to acquisition for the same purpose, i.e, for the construction of Railway Overbridge at Kazhakkoottom. In other words it relates to acquisition made for the some purpose. The said judgment can be applied for determining the compensation in this case. Hence, Ext.A1 is accepted as the basis to fix the enhanced compensation in his case. Points 1 and 2 found accordingly.

In the light of discussion in points 1 and 2, the LAR answered as follows:-

1. The claimant is entitled to realise compensation at the rate of Rs 18,00,000/- per Are for the acquired property. For the 2.70 Ares acquired from the claimant he is entitled to realise Rs.48,60,000/- and from the said amount Rs.4,43,812.50/- has to be deducted and he is entitled to realise Rs.44,16,187.50/-.

2. The claimant is entitled to realise 30% solatium for ₹.44,16,187.50/-.

3. The claimant is also entitled to 12 percent increase on the enhanced compensation of Rs.44,16,187.50/- from 5.11.2008 ie, from the date of notification u/S.4(1) till 28/08/2010 ie date of award.

4. The claimant is also entitled to realise 9 percent interest on the aggregate

amount allowed in reliefs 1 to 3 for a period of 1 year from 9.09.2010 ie date of taking possession of till 8.9.2011 and thereafter at the rate of 15 percent interest from 9.9.2011 till realisation of the entire amount.

5. The claimant is also entitled to realise costs of Rs 3000/-.

(Dictated to the C.A, transcribed and typed by her, corrected by me and pronounced in Open Court on this, the 30th day of March, 2026).

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

Appendix

Exhibits for Claimant:-

A1	30-10-2024	Common judgment in LAR 217/2012 & LAR 29/2012

Exhibits for respondents :-

R1	07-04-2010	Copy of Mahazar
R2	Dated:Nil	Copy of Award
R3	Dated:Nil	Copy of note to Award
R4	Dated:Nil	Valuation Statement
R5	Dated:Nil	Copy of Sub Division Sketch

<u>Witness for Claimant:-</u>

AW1	24-03-2026	Radha

<u>Witness for Respondent</u>: Nil

Id/-
Second Additional Sub Judge

// True Copy //

Second Additional Sub Judge

PRA: Comp: FCS:

Copy of Judgment in
LAR. 194/2011
Dated: 30-03-2026