

ITEM NO.20

COURT NO.11

SECTION XIA

S U P R E M E                      C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2011

(CC 4393-4396/2011)

(From the judgement and order dated 23/04/2010 in LAAP No. 944/2009  
& LAAP No. 358/2008 & LAAP No. 1302/2009 & LAAP No. 1159/2008 of  
The HIGH COURT OF KERALA AT ERNAKULAM)

SEC.KERALA STATE ELECT.BOARD

Petitioner(s)

VERSUS

K.M.IGNATIOUS &amp; ORS.ETC.

Respondent(s)

With I.A.1-4 (C/delay in filing SLP and office report)

Date: 14/03/2011                      These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr.K.V.Viswanathan, Sr.Adv.

Mr. M.T. George,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

The delay of 185 days in filing the special leave  
petitions is condoned.

The petitioner is aggrieved by the judgment of the  
Division Bench of the Kerala High Court whereby the appeals  
filed by it against the judgment of the Reference Court  
were dismissed and those filed by the respondents for award  
of enhanced compensation were partly allowed.

The acquisition proceedings were initiated in 1980.  
The Land Acquisition Officer passed award dated 6.10.1984  
for payment of compensation to the respondents. The

2

Reference Court disposed of the claims filed by the  
respondents and directed payment of enhanced compensation.

On appeal, the Division Bench of the High Court remanded  
the matter to the Reference Court for re-determination of  
market value of the acquired land.

After remand, the Reference Court vide its judgment  
dated 27.9.2007 reassessed the amount of compensation

payable to the respondents.

Feeling aggrieved and dissatisfied with the judgment of the Reference Court, the petitioner and the respondents filed separate appeals. The Division Bench analysed the evidence produced by the parties and directed payment of enhanced compensation to the respondents on the premise that the rubber wood could be used for industrial purposes such as manufacture of plywoods, match sticks, packing cases, wooden planks for cement concreting, making of huts and cottages etc.

We have heard Shri K.V. Viswanathan, learned senior counsel for the petitioner. In our view, reasons assigned by the Division Bench of the High Court for grant of enhanced compensation to the respondents are legally correct and the impugned judgment does not call for interference under Article 136 of the Constitution.

The special leave petitions are accordingly dismissed.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master