

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1438-1439 OF 2003

KOTTAYAM MUNICIPALITY ..APPELLANT (S)

VERSUS

N.SIVASANKARA KURUP (D) THR.
LRS. AND ORS. ..RESPONDENT (S)

WITH

CIVIL APPEAL NO. 6671 OF 2015
(Arising out of S.L.P. (C)NO.19057 of 2003)

MATHEW ABRAHAM ..APPELLANT (S)

VERSUS

STATE OF KERALA & ANR. ..RESPONDENT (S)

WITH

CIVIL APPEAL NO.6672 OF 2015
(Arising out of S.L.P. (C)NO.19403 of 2004)

K.S. VALSAMMA ..APPELLANT (S)

VERSUS

STATE OF KERALA & ANR. ..RESPONDENT (S)

WITH

CIVIL APPEAL NOS.6673-74 OF 2015
(Arising out of S.L.P. (C)NOS.19404-19405 of 2004)

K.S. LALITHAMMA (D)
BY LRS ETC.ETC. ..APPELLANT (S)

VERSUS

STATE OF KERALA ETC ETC. ..RESPONDENT (S)

AND

WITH

CIVIL APPEAL NOS.6675- 6676 OF 2015
(Arising out of S.L.P.(C)NOS.1850-1851 of 2008)

TITUS ABRAHAM & ANR. . .APPELLANT(S)

VERSUS

STATE OF KERALA & ANR. . .RESPONDENT(S)

O R D E R

1. Leave granted in all the Special Leave Petitions.
2. For the convenient disposal of these matters, we would only notice the facts in Civil Appeals @ Special Leave Petition (C) Nos.1850-1851 of 2008.

Civil Appeal Nos. 6675-6676 of 2015
(@ S.L.P.(C) Nos.1850-1851 of 2008)

3. These appeals are directed against the judgment and order passed by the High Court of Kerala at Ernakulam in L.A.A No.334 of 1993, dated 05.03.2003 and Review Petition No.635 of 2005, dated 06.12.2006, whereby and whereunder the High Court allowed the appeal filed by the respondent-herein and reduced the market value of the land in question.

4. The State had issued notification on 25.11.1980 under Section 3(1) of the Kerala Land Acquisition Act, 1961 (for short, "the Act") to acquire certain lands, out of which, an extent of 44.70 Ares of wet land and 4.20 Ares of dry land belongs to the appellants-herein for the public purpose namely Multi-Purpose Development Scheme.

5. The Land Acquisition Collector (for short, "the LAC"), determined the compensation payable for the acquired lands at Rs.4261/- per Are for dry land and at Rs.627/- per Are for wet land, by order dated 06.08.1984.

6. The appellants/ claimants, not being satisfied with the compensation so awarded by the LAC, approached the LAC and sought for a reference under Section 18 of the Act to the Reference Court for determination of compensation payable for the acquired land.

7. The Reference Court by order dated 28.11.1987 fixed the market value to Rs.7500/- per cent for dry land and Rs.2000/- per cent for wet land.

8. Dissatisfied with the compensation awarded by the Reference Court, the appellants/claimants has preferred appeals before the High Court. The State has also

preferred cross appeals before the High Court. The High Court, by order dated 13.03.1991 remanded the matter back to the Reference Court for fresh disposal.

9. The Reference Court, upon reconsideration, in this case and the other appeals filed before it has awarded the following amounts to the respective claimants/appellants:

S.No./ Name of the claimant	Special Leave Petition Nos.	Awarded amount by the Reference Court
1.K.S.Lalithamma (Petitioner No.1)	19404-05/04	Rs.2,500/- per cent for bund (Chira) Rs.450/- per cent for wet land
2.K.S.Vijayamma (Petitioner No.2)	19404-05/04	Rs.2,750/- per cent for bund (Chira) Rs.500/- per cent for wet land
3.K.S.Vlsamma	19403/04	Rs.500/- per cent for wet land
4.Mathew Abraham	19057/03	Rs.700/- per cent for wet land Rs.2,750/- per cent for dry land
5.Titus Abraham	1850-1851	Rs.4,250/- per cent for bund (Chira) Rs.1,000/- per cent for wet

10. Aggrieved by the order passed by the Reference Court, the appellant/claimant as well as the respondent-herein filed appeals before the High Court. The High Court disposed of the appeals by reducing the compensation payable to Rs.2750/- per cent for dry land and to Rs.625/- per cent for the wet land.

11. Aggrieved by the aforesaid order the appellants/claimants preferred Review Petition before the High Court which was also dismissed vide order dated 06.12.2006.

12. Aggrieved by the judgments and orders so passed by the High Court, the appellants/ claimants are before us in these appeals.

13. We have heard learned counsel for the parties to the *lis*.

14. After going through the judgments and orders passed by the High Court as well as the Trial Court and in view of the peculiar facts and circumstances of the case, we are of the considered opinion that the impugned judgments and orders passed by the High Court be set

aside and the amount of compensation as awarded by the Reference Court be restored.

15. In view of the above, we set aside the judgments and orders passed by the High Court and restore the order passed by the Reference Court. The appellants/ claimants are now entitled for the compensation awarded by the Reference Court which is mentioned in the table above, with all statutory benefits.

16. We may clarify that this order is applicable *qua* the appellants-herein only.

17. The appeals are allowed, accordingly.

CIVIL APPEAL NOS.1438-1439 OF 2003:

18. In view of the order passed by us in Civil Appeals @ Special Leave Petition (C) Nos.1850-1851 of 2008, nothing survives in these appeals for our consideration and decision. Accordingly, these Civil Appeals are disposed of as having become unnecessary.

REST OF THE MATTERS:

19. In view of the disposal of Civil Appeals @ S.L.P. (C) Nos.1850-1851 of 2008, rest of the matters are also

disposed of on the same terms, conditions, observations and directions.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(V. GOPALA GOWDA)

.....J.
(AMITAVA ROY)

NEW DELHI,
AUGUST 26, 2015.

ITEM NO.101

COURT NO.1

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

Civil Appeal No(s). 1438-1439/2003

KOTTAYAM MUNICIPALITY

Appellant(s)

VERSUS

N. SIVASANKARA KURUP (D) THR.LRS & ANR
(with office report)

Respondent(s)

WITH SLP(C) No. 19057/2003
(With Office Report)

SLP(C) No. 19403/2004
(With Office Report)

SLP(C) Nos. 19404-19405/2004
(With Office Report)

SLP(C) Nos. 1850-1851/2008
(With Office Report)

Date : 26/08/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s) Mr. M. P. Vinod,Adv.
Mr.Atul Shankar Vinod, Adv.
Mr.Ajay K.Jain,Adv.

Mr. Romy Chacko,Adv.

For Respondent(s) Mr. Jogy Scaria,Adv.
Mr.Reegan S.Bel, Adv

Mr.Anup Kumar, Adv.
Mr.Shekhar Prasad Gupta, Adv.
Mr. Romy Chacko,Adv.

Mr. Subramonium Prasad,Adv.

Mr. Ramesh Babu M. R.,Adv.(NP)

Ms.Bina Madhavan, Adv.
Mr.S.U.K.Sagar, Adv.
for M/s. Lawyer S Knit & Co,Adv.

Mr.Haris Beeran, Adv.
Mr. Radha Shyam Jena,Adv.

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

Leave granted in all the Special Leave Petitions.

Civil Appeals @ S.L.P.(C)No.19057/2003, 19403/2004,
19404-19405/2004 and SLP(C)Nos.1850-1852 of 2008 are disposed
of, in terms of the signed order.

Civil Appeal Nos.1438-1439 of 2003 are disposed of as
having become unnecessary, in terms of the signed order.

(G.V.Ramana)
AR-cum-PS
(Signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar