

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

WEDNESDAY, THE 20TH DAY OF SEPTEMBER 2023 / 29TH BHADRA,
1945

LA.APP. NO. 12 OF 2023

AGAINST THE JUDGMENT AND DECREE DATED 27.09.2021 IN LAR
NO. 32/2012 OF THE SUB COURT, OTTAPPALAM
APPELLANT/1ST RESPONDENT IN L.A.R.:

THE SPECIAL TAHSILDAR (LA) NO.I,
KIIDC (KINFRA), PALAKKAD, PIN - 678621

BY SR. GOVERNMENT PLEADER T.K.SHAJAHAN

RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN L.A.R.:

- 1 SURESH YEZHUVATH, S/O.JAYAPALA MENON,
CHERIYA YEZHUVATH VEEDU, CHITTOOR.P.O,
PALAKKAD DISTRICT, PIN - 678 101.
- 2 LALITHA AMMA, W/O .JAYAPALA MENON,
CHERIYA YEZHUVATH VEEDU, CHITTOOR .P.O.
PALAKKAD DISTRICT., PIN - 678 101.
- 3 C.P.KALLIANI, D/O. KOCHUKUTTY AMMA, GURU NIVAS,
CHITTOOR.P.O. PALAKKAD., PIN - 678 101.
- 4 THE MANAGING DIRECTOR,
KERALA INDUSTRIAL INFRASTRUCTURE DEVELOPMENT
CORPORATION (KINFRA), HOUSE TC.NO. 31/2312,
SASTHAMANGALAM, THIRUVANANTHAPURAM - 695 010

BY ADVS. Liji J Vadakkedom (CAVEATOR) FOR R1
TOM E. JACOB (K/1144/2001) FOR R1
REXY ELIZABETH THOMAS (K/635/1995) FOR R1
ATHUL V. VADAKKEDOM (K/003544/2022) FOR R1
P.U.SHAILAJAN, SC, FOR R4

L.A.Appeal Nos.12, 19 and 45 of 2023

-:2:-

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY
HEARD ON 20.09.2023, ALONG WITH LA.App..45/2023 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

L.A.Appeal Nos.12, 19 and 45 of 2023

-:3:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

WEDNESDAY, THE 20TH DAY OF SEPTEMBER 2023 / 29TH BHADRA,
1945

LA.APP. NO. 19 OF 2023

AGAINST THE JUDGMENT AND DECREE DATED 27.09.2021 IN LAR
NO. 25/2012 OF THE SUB COURT, OTTAPPALAM
APPELLANT/1ST RESPONDENT IN L.A.R.:

THE SPECIAL TAHSILDAR (LA)NO.1,
KIIDC(KINFRA) PALAKKAD - 678556

BY SR. GOVERNMENT PLEADER SRI.SHAJAHAN T.K.

RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR:

- 1 SURESH YEZHUVATH, S/O. JAYAPALA MENON,
CHERIYA YEZHUVATH VEEDU, CHITTOOR P.O.,
PALAKKAD DISTRICT, PIN - 678 101.
- 2 THE MANAGING DIRECTOR,
KERALA INDUSTRIAL INFRASTRUCTURE DEVELOPMENT
CORPORATION (KINFRA), HOUSE.TC.NO. 31/2312,
SASTHAMANGALAM, THIRUVANANTHAPURAM - 695 010.

BY ADVS. Liji J Vadakkedom FOR R1
TOM E. JACOB(K/1144/2001) FOR R1
REXY ELIZABETH THOMAS(K/635/1995) FOR R1
ATHUL V. VADAKKEDOM(K/003544/2022) FOR R1
P.U.SHAILAJAN, SC, FOR R2

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY
HEARD ON 20.09.2023, ALONG WITH LA.App..45/2023 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

L.A.Appeal Nos.12, 19 and 45 of 2023

-:4:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

WEDNESDAY, THE 20TH DAY OF SEPTEMBER 2023 / 29TH BHADRA,

1945

LA.APP. NO. 45 OF 2023

AGAINST THE JUDGMENT AND DECREE DATED 27.09.2021 IN LAR

NO. 38/2012 OF THE SUB COURT, OTTAPPALAM

APPELLANT/1ST RESPONDENT IN L.A.R.:

THE SPECIAL TAHSILDAR (LA)NO.1,
KIIDC (KINFRA) PALAKKAD - 678621.

BY SR. GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

RESPONDENTS/CLAIMANTS & 2ND RESPONDENT IN LAR:

- 1 SURESH YEZHUVATH, S/O JAYAPALA MENON,
CHERIYA YEZHUVATH VEEDU, CHITTOOR P O,
PALAKKAD DISTRICT, PIN - 678 101.
- 2 C.P KALLIANI, D/O KOCHUKUTTY AMMA,
GURU NIVAS, CHITTOOR P O, PALAKKAD - 678 101.
- 3 THE MANAGING DIRECTOR,
KERALA INDUSTRIAL INFRASTRUCTURE DEVELOPEMENT
CORPORATION (KINFRA), HOUSE TC NO .31/2312,
SASTHAMANGALAM ,THIRUVANANTHAPURAM- 695 010.

BY ADVS. Liji J Vadakkedom FOR R1
TOM E. JACOB(K/1144/2001) FOR R1
REXY ELIZABETH THOMAS(K/635/1995) FOR R1
ATHUL V. VADAKKEDOM(K/003544/2022) FOR R1

L.A.Appeal Nos.12, 19 and 45 of 2023

-:5:-

P.U.SHAILAJAN, SC FOR R3

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY
HEARD ON 20.09.2023, ALONG WITH LA.App..12/2023, 19/2023,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

L.A.Appeal Nos.12, 19 and 45 of 2023

-:6:-

P.B.SURESH KUMAR & P.G.AJITHKUMAR, JJ.

L.A.Appeal Nos.12, 19 and 45 of 2023

Dated this the 20th day of September, 2023

JUDGMENT

The disputes between the parties in these matters have been settled in mediation. The mediation settlement is part of the records. The appeals, in the circumstances, are disposed of in terms of the mediation settlement. The mediation settlement shall form part of the judgment.

Interlocutory applications, if any, pending in the appeals are closed.

Sd/-
P.B.SURESH KUMAR, JUDGE.

Sd/-
P.G.AJITHKUMAR, JUDGE.

ds

L.A.Appeal Nos.12, 19 and 45 of 2023

-:7:-

APPENDIX OF LA.APP. 12/2023

RESPONDENT ANNEXURES

Annexure-I

THE COPY OF THE POWER OF ATTORNEY
DATED 23/8/2023 EXECUTED BY LALITHA
AMMA-2ND RESPONDENT IN THE LAA IN
FAVOUR OF THE 1ST RESPONDENT-SURESH
YEZHUVATH

Annexure -II

THE COPY OF THE POWER OF ATTORNEY
DATED 23/8/2023 EXECUTED BY C. P.
KALYANI -3RD RESPONDENT IN THE LAA IN
FAVOUR OF THE 1ST RESPONDENT-SURESH
YEZHUVATH

L.A.Appeal Nos.12, 19 and 45 of 2023

-:8:-

APPENDIX OF LA.APP. 45/2023

RESPONDENT ANNEXURES

Annexure A1

THE COPY OF THE POWER OF ATTORNEY
DATED 23/8/2023 EXECUTED BY
C.P.KAIYANI 2ND RESPONDENT IN THE LAA
IN FAVOUR OF THE 1ST RESPONDENT SURESH
YEZHUVATH

ERNAKULAM MEDIATION CENTRE
(HIGH COURT HALL)

(2nd floor, above SBI, High Court Building, Ernakulam, Kochi-31. (Ph:0484-2562238)

EMC/Reg No. 1142/2023

Dated 19/09/2023

From

The Nodal Officer,
High Court Mediation Centre.

To

The Registrar (Judicial)
High Court of Kerala, Ernakulam.

Sir,

Sub : Mediation of case referred by the Hon'ble High Court of Kerala -
reg.

Ref : Referral Order in LA APP 12/2023 c/w 19/23 & 45/2023
dated 23/08/2023 of the Honorable High Court of Kerala

I am to forward herewith Report of the Mediator in the matter along
with the enclosures for information and necessary action.

Yours Faithfully,

[Signature]
Nodal Officer,
Ernakulam Mediation Centre

- Encl:- 1. Report of the Mediator, Settlement Agreement
2. Copy of the referral order dated 23/08/2023 of the High Court of Kerala.
3. Copy of the Petition

LA A
17/9/23

**BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM**

LA.APP Nos.12 of 2023, 19/2023 & 45/2023

The Special Tahsildar (LA) No.I : Appellant
KIIDC (KINFRA)
Vs.

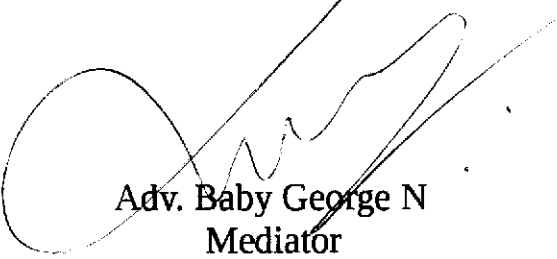
Suresh Yezhuvath & Others : Respondents

REPORT SUBMITTED BY THE MEDIATOR

ADV. BABY GEORGE

Mediated; matter is settled and
terms of Agreement are attached herewith.

Dated this the 19th day of September, 2023.


Adv. Baby George N
Mediator
Ernakulam Mediation Centre

BEFORE THE HONOURABLE HIGH COURT OF KERALA

AT ERNAKULAM

LA.APP No. 12 of 2023

The Special Tahsildar (LA) No.I : Appellant
KIIDC (KINFRA)

Vs.

Suresh Yezhuvath & Anr : Respondents

LA.APP No. 19 of 2023

The Special Tahsildar (LA) No.I : Appellant
KIIDC (KINFRA)

Vs.

Suresh Yezhuvath & Others : Respondents

LA.APP No. 45 of 2023

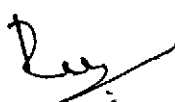
The Special Tahsildar (LA) No.I : Appellant
KIIDC (KINFRA)

Vs.


Suresh Yezhuvath & Others : Respondents




MEMORANDRUM OF SETTLEMENT FILED UNDER SECTION 89 OF THE CODE OF CIVIL PROCEDURE READ WITH RULES 24 & 25 OF THE CIVIL PROCEDURE (ALTERNATIVE DISPUTE RESOLUTION), RULES, 2008:

The parties to the above appeal have agreed to settle their dispute in the following terms and conditions;


REKHA.G
SPECIAL TAHSILDAR
L.A. KINFRA
KANJIKODE, PALAKKAD


AMBILI T.B.
General Manager
KINFRA






Kerala State Mediation and Conciliation Centre
High Court of Kerala
Kochi - 682 031

The LAA Nos.12/2023, 19/2023 and 45/2023 are filed by the Special Tahsildar, Spl. Tahsildar (LA) KINFRA, Palakkad, against the judgment and decree in LAR No.32/2012, LAR No.25/2012 and LAR No.38/2012 passed by the Sub Court, Ottappalam.

In LAR No.32/2012, the Sub Court enhanced the land value from Rs.11,362/- per cent to Rs.35,000/- per cent.


In LAR No.25/2012, the Sub Court enhanced the land value from Rs.10,000/- per cent to Rs.35,000/- per cent.

In LAR No.38/2012, the Sub Court enhanced the land value from Rs.10,000/- per cent to Rs.35,000/- per cent.

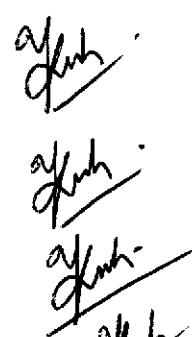
For rocky area, the land value enhanced from Rs.200/- per cent to Rs.10,000/- per cent.

After filing the above LA Appeals, there was a proposal to settle the cases by mediation. Accordingly, the Principal Secretary, Department of Industries, Government of Kerala issued an order dated 10.7.2023 with No.G1/173/2022 Ind. directing to constitute a team for mediation talk with the land owners/claimants. Thereafter, the District Collector, Palakkad appointed a team of officers for mediation talk with the land owners. In the mediation, there was an understanding between the parties regarding the terms of settlement of the cases and the same was sent to Department of Industries for approval. In the meanwhile the above cases were referred by the Hon'ble High Court of Kerala for mediation.

Now the Department of Industries, Government of Kerala has approved the terms and conditions for determining the compensation amount and the payment of the same to the claimants/land owners as per Government order with No.GO(Rt) No.944/2023/ID dated 15.9.2023. Now in the mediation on 19.09.2023, the parties in the above LA Appeals, LAA Nos.12/2023, 19/2023 and 45/2023 agreed to settle the cases as per the following terms and conditions, which is also approved by the Department of Industries, Government of Kerala as per GO (Rt) No.944/2023/ID dated 15.9.2023.


REKHA.G
SPECIAL TAHSILDAR
L.A.KINFRA
KANJIKODE, PALAKKAD


AMBILI T.B.
General Manager
KINFRA


K. State Mediation and Conciliation Centre
High Court of Kerala
Kochi - 682 031

1. All the parties agreed to re-determine the compensation amount on the basis of the following terms and conditions.

2. For the purpose of determining the compensation amount, the value of the acquired land per cent will be calculated from the amount obtained by deducting Rs.50 lakhs from the total compensation fixed by the Sub Court, Ottapalam in LAR 25 of 2012, LAR. No.32 of 2012 and LAR No.38 of 2012.

So that the land value for determining the compensation is @ Rs.34,559/- per cent and for rocky area it is @ Rs.10,000/- per cent.

3. The land owners/claimants in the above cases agreed to waive the interest for the period from 20.3.2015 to 5.3.2021 (2178 days), the period of stay granted by the Hon'ble High Court of Kerala in O.P (C)No.709 of 2015.


4. The land owners/claimants also agreed to limit the interest for the compensation amount upto 31.3.2023.

5. As per the above terms and conditions,

(i) The compensation amount to be paid to the claimant/land owner Sri.Suresh Ezhuvath in LAR No.25 of 2012 (LAA No.19 of 2023) is Rs 6,08,642/-

(ii) The compensation amount to be paid to Sri.Suresh Ezhuvath, Lalithamma and C.P.Kalliani, the claimants/land owners in LAR No.32 of 2012 (LAA No.12 of 2023) is Rs 16,76,11,557.00/-.

(iii) The compensation amount to be paid to Sri.Suresh Ezhuvath and C.P.Kalliani, the claimants/land owners in LAR No.38 of 2012 (LAA.No.45 of 2023) is Rs.11,09,29,791.00/-.


REKHA.G
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General Manager
KINFRA






Kerala State Mediation and Conciliation Centre
High Court of Kerala
Kochi - 682 031

Thus, the total compensation amount to be paid to the claimants in LAR No.25/2012 (LAA No.19/2023), LAR No.32/2012 (LAA No.12/2023) and LAR No.38/2012 (LAA 45/2023) is Rs.27,91,49,990/-.

The above said amount will be paid to the claimants/land owners in three installments directly to the Bank Accounts the details of which are given hereunder. The first installment of Rs.15 cores will be transferred on or before 20.9.2023 (after deducting TDS) to the account of the land owners. The account numbers, Aadhaar Numbers and PAN numbers of the claimants/land owners are as follows:

Suresh Yezhuvath.

Kotak Mahindra Bank, Palakkad Branch,

Account Type ..NRO , Account No. 4548845642

Ifsc Code..KKBK0009301

Aadhar No.:5075 5334 8823

PAN No.AABPY5168N

Lalitha.Y

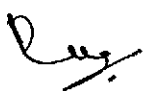
Federal Bank , Chittur Govt Hospital Junction Branch,

Account Type..SB, Account No. 16460100005378,

Ifsc Code.. FDRL0001646.

Aadhar No.7641 5434 6512

PAN No.ADKPY0582A


REKHA.G
SPECIAL TAHSILDAR
L.A.KINFRA
KANJIKODE, PALAKKAD


AMBILI T.B.
General Manager
KINFRA

Kerala State Mediation and Conciliation Centre
High Court of Kerala
Kochi - 682 031

Kalyani. C.P.


CSB Bank, Chittur, P.B.No.3, Kerala- 678101

Account Type. SB, Account No. 001702048296190001

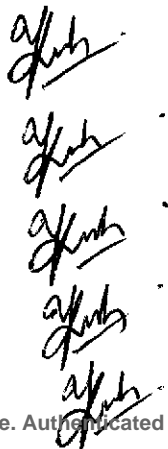
IFSC Code. CSBK0000017, Aadhar No.5748 2781 5853, PAN No.BWRPK8600C

The remaining amount will be paid in two equal installments (after deducting TDS). The second installment will be paid on or before 31.10.2023 and the third installment will be paid on or before 30.11.2023. The details of payment to each land owner will be as follows:

INSTALLMENTS				
Sl. No.	Particulars	Amount of compensation	TDS	Balance for payment
A.	Ist Installment on 20.09.2023	150000000	15600001	134399999
1.	Share of Sri.Suresh Ezhuvath (Rock Land) + (Purayidam) ie. (834118+77044178)	77878296	8099344	69778952
2.	Share of Smt.Lalitha	23404127	2434029	20970098
3.	Share of Smt.Kalliani C.P.	48717577	5066628	43650949
B.	IInd Installment on 31.10.2023	64574995	6715799	57859196
1.	Share of Sri.Suresh Ezhuvath	33352985	3468710	29884275
2.	Share of Smt.Lalitha	10131817	1053709	9078108
3.	Share of Smt.Kalliani C.P.	21090193	2193380	18896813
C.	IIIrd Installment on 30/11/23	64574995	6715799	57859196
1.	Share of Sri.SureshEzhuvath	33352985	3468710	29884275
2.	Share of Smt.Lalitha	10131817	1053709	9078108
3.	Share of Smt.Kalliani C.P.	21090193	2193380	18896813
	Grand Total	279149990	29031599	250118391


REKHA.G
SPECIAL TAHSILDAR
L.A.KINFRA
KANJIKODE, PALAKKAD


AMBILI T.B.
General Manager
KINFRA


Kerala State Mediation and Conciliation Centre
High Court Building
Kochi-695 001

If the amounts are not paid as stated above, the above stated settlement will be automatically canceled and the Judgment and Decree passed by the Sub Court, Ottappalam against which the present appeal is filed will be revived and come into force. Therefore in the event of any default is committed by the Appellant or KINFRA in enforcing the settlement the Respondent in the Land Acquisition Appeals will be free to execute the respective decrees and judgments dated 27/9/2021 in LAR No.32/2012, 25/2012 and 38/2012 before the Sub Court, Ottappalam and to realise the amount thereunder and if any amount is paid on the basis of this settlement, the same will be adjusted towards the amount to be paid to the claimants/ land owners in the above cases.

The above terms and conditions are agreed by the parties.

Hence, it is prayed that this Hon'ble court may be pleased to pass decree in terms of this settlement agreement.

Dated this the 19th day of September, 2023.

LA.APP No. 12 of 2023

Appellant

The Special Tahsildar (LA) No.I
KIIDC (KINFRA)

REKHA.G
SPECIAL TAHSILDAR
L.A. KINFRA
KANJIKODE, PALAKKAD

Respondents

1. Suresh Yezhuvath




2. Lalitha Amma
Through POA Holder Suresh Yezhuvath



3. C.P Kalliani
Through POA Holder Suresh Yezhuvath



4. The Managing Director, KINFRA
Through POA Holder Ambili T.B
General Manager (P & BD)
KINFRA


19/9/23
AMBILI T.B.
General Manager
KINFRA

19/09/2023
Mediation and Conciliation Centre
KINFRA

LA.APP No. 19 of 2023

Appellant

The Special Tahsildar (LA) No.I
KIIDC (KINFRA)


REKHA.G
SPECIAL TAHSILDAR
L.A.KINFRA
KANJIKODE, PALAKKAD

Respondents


1. Suresh Yezhuvath
2. The Managing Director, KINFRA
Through POA Holder Ambili T.B
General Manager (P & BD)
KINFRA


AMBILI.T.B.
General Manager
KINFRA

LA.APP No. 45 of 2023


Appellant


The Special Tahsildar (LA) No.I
KIIDC (KINFRA)


REKHA.G
SPECIAL TAHSILDAR
L.A.KINFRA
KANJIKODE, PALAKKAD

Respondents


1. Suresh Yezhuvath
2. C.P Kalliani
Through POA Holder Suresh Yezhuvath
3. The Managing Director, KINFRA
Through POA Holder Ambili T.B
General Manager (P & BD)
KINFRA


29/9/23
AMBILI.T.B.
General Manager
KINFRA


Counsel for the Appellant

K.M. HASHIM
GOVT. PLEADER
K-133
H-209


Counsel for the Respondents/Claimants

Adu Lijj-J. Vadaleedom CR 614/9

P.U. Shailojan
Adv. for KINFRA
12/10/23