

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 105 OF 2014

AGAINST THE JUDGMENT AND DECREE DATED 30.09.2013 IN LAR NO.1 OF 2011  
OF SUB COURT, CHERTHALA

APPELLANT/2<sup>nd</sup> RESPONDENT:

THE COMMISSIONER, TRAVANCORE DEVASWOM BOARD  
OFFICE OF THE DEVASWOM COMMISSIONER, NANTHANCOD, THIRUVANANTHAPURAM.

BY ADVS.

P.G.PARAMESWARA PANICKER (SR.)

P.GOPAL

SHRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD

SRI.G.SANTHOSH KUMAR - SC

RESPONDENTS/CLAIMANT & RESPONDENT No.1:

1 SUMATHIKUTTY AMMA  
D/O. KAMALAKSHI AMMA, KOTTARATHIL, THURAVOOR SOUTH  
VILLAGE, THURAVOOR SOUTH MURI.

2 STATE OF KERALA  
REPRESENTED BY THE SPECIAL TAHSILDAR (GENERAL),  
ALAPPUZHA.

R1 BY ADVS.SRI.BINU PAUL  
SRI.SHAJI THOMAS  
SRI.T.V.VINU

R2 BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
04.07.2024, ALONG WITH LA.App..1/2024, 168/2014 AND CONNECTED CASES,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 1 OF 2024

AGAINST THE JUDGMENT AND DECREE DATED 31.01.2018 IN LAR NO.5 OF 2015  
OF SUB COURT, CHERTHALA

APPELLANT/2<sup>nd</sup> RESPONDENT:

THE COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, DEVASWOM HEAD QUARTERS,  
NANTHANCODE, THIRUVANANTHAPURAM, PIN - 695003.

BY ADV G.SANTHOSH KUMAR -SC

RESPONDENTS/CLAIMANTS & 1<sup>st</sup> RESPONDENT:

- 1 A.J.PAUL  
S/O A.J.JOSEPH, ARACKAPARAMBIL , PADINJATTUMKARA SOUTH  
MURI, THURAVOOR SOUTH VILLAGE, PIN - 688532
- 2 FRANKY JOSEPH  
S/O A.J.JOSEPH, ARACKAPARAMBIL , PADINJATTUMKARA SOUTH  
MURI, THURAVOOR SOUTH VILLAGE, PIN - 688532
- 3 BHAILAL  
S/O VISWANATHAN, CHONGAMTHARA, PADINJATTUMKARA SOUTH  
MURI, THURAVOOR SOUTH VILLAGE, PIN - 688532
- 4 STATE OF KERALA  
REP.BY THE SPECIAL TAHSILDAR L.A.(GENERAL), ALAPPUZHA,  
PIN - 688001

R1, R2 & R3 BY ADVS.BINU V V VEETIL VALAPPIL  
S.K.KRISHNAKUMAR(K/694/1995)  
MANEKSHA D.(K/000478/2005)

R4 BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
04.07.2024, ALONG WITH LA.App..105/2014 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

L.A.A.Nos.105, 168 of 2014,  
207, 208, 210, 214 of 2020,  
110, 115, 116, 117 of 2023 &  
1 of 2024

3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 168 OF 2014

AGAINST THE JUDGMENT AND DECREE DATED 30.09.2013 IN LAR NO.1 OF 2011  
OF SUB COURT, CHERTHALA

APPELLANT/CLAIMANT:

SUMATHIKUTTY AMMA,  
D/O. KAMALAKSHI AMMA, KOTTARATHIL, THURAVUR SOUTH  
VILLAGE, THURAVOOR SOUTH MURI.

BY ADVS.SRI.BINU PAUL  
SRI.SHAJI THOMAS  
SRI.T.V.VINU

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA,  
REPRESENTED BY SPECIAL TAHSILDAR (GENERAL), ALAPPUZHA-  
688 001.
- 2 COMMISSIONER,  
TRAVANCORE DEVASWOM BOARD, VIKAS BHAVAN,  
THIRUVANANTHAPURAM-695 033.

R1 BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

R2 BY ADVS.SRI.P.GOPAL  
SRI.G.BIJU,SC,TRAVANCORE DEVASWOM BOARD  
ADV G.SANTHOSH KUMAR -SC

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
04.07.2024, ALONG WITH LA.App..105/2014 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 208 OF 2020

AGAINST THE JUDGMENT AND DECREE IN LAR NO.1 OF 2015 OF SUB COURT,  
CHERTHALA

APPELLANTS/CLAIMANTS 1, 2 AND 5:

- 1 SARVOTHAMA KAMMATH  
S/O. RAMACHANDRA KAMMATH, KOCHU KATTUKALATHIL,  
PADINJATTUMKARA SOUTH MURI, THIRUMALABHAGAM P.O.,  
THURAVOOR SOUTH VILLAGE, PIN CODE-688 540.
- 2 VISWOTHAMA KAMMATH  
DHANYA NIVAS, VALAMANGALAM NORTH, THURAVOOR SOUTH  
VILLAGE, PIN CODE-688 532.
- 3 PURUSHOTHAMA KAMMATH  
KOCHU KATTUKALATHIL, PADINJATTUMKARA SOUTH MURI,  
THIRUMALABHAGAM P.O., THURAVOOR SOUTH VILLAGE, PRESENTLY  
RESIDING AT KALAPURACKAL, THURAVOOR P.O., 688532.

BY ADVS.  
J.HARIKUMAR  
SRI.K.MANOJ CHANDRAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SPECIAL TAHASILDAR L.A. (GENERAL),  
ALAPPUZHA, PIN-688 001.
- 2 THE COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, NANTHENCOD,   
THIRUVANANTHAPURAM, PIN-695 033.

R1 BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

R2 BY ADV G.SANTHOSH KUMAR -SC

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
04.07.2024, ALONG WITH LA.App..105/2014 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

L.A.A.Nos.105, 168 of 2014,  
207, 208, 210, 214 of 2020,  
110, 115, 116, 117 of 2023 &  
1 of 2024

5

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 210 OF 2020

AGAINST THE JUDGMENT AND DECREE IN LAR NO.2 OF 2015 OF SUB COURT,  
CHERTHALA

APPELLANT/CLAIMANT:

RADHAKRISHNAN UNNI,  
AGED 66 YEARS,  
S/O PARAMESWARAN UNNI VARIETH VADAKKE MADATHIL,  
PADINJATTUMKARA SOUTH MURI, THIRUMALABHAGOM P.O,  
THURAVOOR SOUTH, PRESENTLY RESIDING AT 4B, SARAYU  
GARDENS, MANAKKAPADY, IRUMPANAM, THIRIPUNITHURA, KOCHI-  
682309.

BY ADVS.J.HARIKUMAR  
SRI.K.MANOJ CHANDRAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA,  
REP BY THE SPECIAL TAHASILDAR L A (GENERAL), ALAPPUZHA  
PIN-688001.
- 2 THE COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, NANTHENCOD,   
THIRUVANANTHAPURAM-695033.

R1 BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

R2 BY ADV G.SANTHOSH KUMAR -SC

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
04.07.2024, ALONG WITH LA.App..105/2014 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

L.A.A.Nos.105, 168 of 2014,  
207, 208, 210, 214 of 2020,  
110, 115, 116, 117 of 2023 &  
1 of 2024

6

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 207 OF 2020

AGAINST THE JUDGMENT AND DECREE IN LAR NO.3 OF 2015 OF SUB COURT,  
CHERTHALA

APPELLANT/CLAIMANT:

PURUSHOTHAMA KAMMATH  
KOCHU KATTUKALATHIL, PADINJATTUMKARA SOUTH MURI,  
THIRUMALABHAGAM P.O, THURAVOOR SOUTH VILLAGE, PRESENTLY  
RESIDING AT KALAPURACKAL, THURAVOOR P.O, 688 532

BY ADVS.  
J.HARIKUMAR  
SRI.K.MANOJ CHANDRAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SPECIAL TAHASILDAR L.A. (GENERAL) ,  
ALAPPUZHA.
- 2 THE COMMISSIONER,  
TRAVANCORE DEVASWOM BOARD, NANTHENCOD, ,  
THIRUVANANTHAPURAM.

R1 BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

R2 BY ADV G.SANTHOSH KUMAR -SC

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
04.07.2024, ALONG WITH LA.App..105/2014 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 214 OF 2020

AGAINST THE JUDGMENT DATED 21.11.2019 IN LAR NO.4 OF 2015 OF SUB  
COURT, CHERTHALA

APPELLANTS/CLAIMANTS:

- 1 SURESAN ALIAS P.K.SURESH,  
AGED 53 YEARS  
S/O KRISHNAN MOOSATH, PARVATHY NIVAS (OALIKKARA  
ILLATHU), PADINJATTUMKARA SOUTH MURI, THURAVOOR SOUTH  
VILLAGE, PRESENTLY RESIDING AT PARVATHY NIVAS, HOUSE NO.  
451, THURAVOOR P.O., PIN CODE-688532.
- 2 PRABHAKUTTY,  
AGED 51 YEARS , D/O KRISHNAN MOOSATH, PARVATHY NIVAS  
(OALIKKARA ILLATHU), PADINJATTUMKARA SOUTH MURI,  
THURAVOOR SOUTH VILLAGE, PRESENTLY RESIDING AT PARVATHY  
NIVAS, HOUSE NO. 451, THURAVOOR P.O., PIN CODE-688532.
- 3 MOHANAN,  
AGED 45 YEARS, S/O KRISHNAN MOOSATH, PARVATHY NIVAS  
(OALIKKARA ILLATHU), PADINJATTUMKARA SOUTH MURI,  
THURAVOOR SOUTH VILLAGE, PRESENTLY RESIDING AT PARVATHY  
NIVAS, HOUSE NO. 451, THURAVOOR P.O., PIN CODE-688532.

BY ADV J.HARIKUMAR

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SPECIAL TAHASILDAR L.A. (GENERAL),  
ALAPPUZHA-688001.
- 2 THE COMMISSIONER,  
TRAVANCORE DEVASWOM BOARD, NANTHENCODE,  
THIRUVANANTHAPURAM-695033.  
  
R2 BY ADV G.SANTHOSH KUMAR -SC  
R1 BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
04.07.2024, ALONG WITH LA.App..105/2014 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 110 OF 2023

AGAINST THE JUDGMENT AND DECREE DATED 21.11.2019 IN LAR NO.1 OF 2015  
OF SUB COURT, CHERTHALA

APPELLANT/2<sup>nd</sup> RESPONDENT:

THE COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, DEVASWOM HEAD QUARTERS,  
NANTHANCODE, THIRUVANANTHAPURAM, PIN - 695033  
  
BY ADV G.SANTHOSH KUMAR-SC.

RESPONDENTS/CLAIMANTS & 1<sup>st</sup> RESPONDENT:

- 1 SARVOTHAMA KAMMATH  
S/O RAMACHANDRA KAMMATH, KOCHU KATTUKALATHIL,  
PADINJATTUMKARA SOUTH MURI, THIRUMALABHAGAM P.O.,  
THURAVOOR SOUTH VILLAGE, PIN - 688540
- 2 VISWOTHAMA KAMMATH  
DHANYA NIVAS, VALAMANGALAM NORTH, THURAVOOR SOUTH  
VILLAGE, PIN - 688532
- 3 SANTHA BAI (DIED)  
KOCHU KATTUKALATHIL, PADINJATTUKARA .P.O.,  
THIRUMALABHAGAM VILLAGE, PIN - 688540
- 4 SREEDEVI  
KOCHU KATTUKALATHIL, PADINJATTUKARA .P.O.,  
THIRUMALABHAGAM VILLAGE, PIN - 688540
- 5 PURUSHOTHAM KAMMATH  
KOCHU KATTUKALATHIL, PADINJATTUKARA .P.O.,  
THIRUMALABHAGAM VILLAGE, PIN - 688540



L.A.A.Nos.105, 168 of 2014,  
207, 208, 210, 214 of 2020,  
110, 115, 116, 117 of 2023 &  
1 of 2024

9

6        **STATE OF KERALA**  
      **REP.BY THE SPECIAL TAHSILDAR L.A. (GENERAL) , ALAPPUZHA,**  
      **PIN - 688001**

R1, R2 & R5 -BY ADVS.K MANOJ CHANDRAN K  
                  J.HARIKUMAR(K/000125/1985)  
                  P.R.AJITH KUMAR(K/000708/1998)  
                  AMMU CHARLES(K/000664/2013)  
                  S.A.MANSOOR (PATTANAM) (K/217/1994)

R6        - BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

      THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON  
04.07.2024, ALONG WITH LA.App..105/2014 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

L.A.A.Nos.105, 168 of 2014,  
207, 208, 210, 214 of 2020,  
110, 115, 116, 117 of 2023 &  
1 of 2024

10

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 115 OF 2023

AGAINST THE JUDGMENT DATED 21.11.2019 IN LAR NO.3 OF 2015 OF SUB  
COURT, CHERTHALA

APPELLANT/2<sup>nd</sup> RESPONDENT:

THE COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, DEVASWOM HEAD QUARTERS,  
NANTHANCODE, THIRUVANANTHAPURAM, PIN - 695003

BY ADV G.SANTHOSH KUMAR -SC.

RESPONDENTS/CLAIMANT & 1<sup>st</sup> RESPONDENT:

- 1 PURUSHOTHAMA KAMATH  
KOCHUKATTUKALATHIL KALAPURACKAL,  
PADINJATTUMKARA SOUTH MURI, THURAVOOR SOUTH VILLAGE,  
PIN - 688540
- 2 STATE OF KERALA  
REP. BY THE SPECIAL TAHSILDAR L.A. (GENERAL) ALAPPUZHA,  
PIN - 688001

R1 BY ADVS.K MANOJ CHANDRAN K  
J.HARIKUMAR(K/000125/1985)  
P.R.AJITH KUMAR(K/000708/1998)  
AMMU CHARLES(K/000664/2013)  
S.A.MANSOOR (PATTANAM) (K/217/1994)

R2 BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
04.07.2024, ALONG WITH LA.App..105/2014 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

L.A.A.Nos.105, 168 of 2014,  
207, 208, 210, 214 of 2020,  
110, 115, 116, 117 of 2023 &  
1 of 2024

11

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 116 OF 2023

AGAINST THE JUDGMENT AND DECREE DATED 21.11.2019 IN LAR NO.4 OF 2015  
OF SUB COURT, CHERTHALA

APPELLANT/2<sup>nd</sup> RESPONDENT:

THE COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, DEVASWOM HEAD QUARTERS,  
NANTHANCODE, THIRUVANANTHAPURAM, PIN - 695003

BY ADV G.SANTHOSH KUMAR -SC

RESPONDENTS/CLAIMANTS & 1<sup>st</sup> RESPONDENT:

- 1 SURESAN  
S/O KRISHNA MOOSATH, PARVATHY NIVAS (OALIKKARA ILLATHU) ,  
PADINJATTUMKARA SOUTH MURI,  
THURAVOOR SOUTH VILLAGE, PIN - 688540
- 2 PRABHAKUTTY  
D/O KRISHNA MOOSATH, PARVATHY NIVAS (OALIKKARA ILLATHU) ,  
PADINJATTUMKARA SOUTH MURI,  
THURAVOOR SOUTH VILLAGE, PIN - 688540
- 3 MOHANAN  
S/O KRISHNA MOOSATH, PARVATHY NIVAS (OALIKKARA ILLATHU) ,  
PADINJATTUMKARA SOUTH MURI,  
THURAVOOR SOUTH VILLAGE, PIN - 688540
- 4 STATE OF KERALA  
REP. BY THE SPECIAL TAHSILDAR L.A. (GENERAL) ALAPPUZHA,  
PIN - 688001

R1 TO R3 BY ADVS.K MANOJ CHANDRAN K  
J.HARIKUMAR(K/000125/1985)  
P.R.AJITH KUMAR(K/000708/1998)  
AMMU CHARLES(K/000664/2013)  
S.A.MANSOOR (PATTANAM) (K/217/1994)

R4 BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
04.07.2024, ALONG WITH LA.App..105/2014 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

L.A.A.Nos.105, 168 of 2014,  
207, 208, 210, 214 of 2020,  
110, 115, 116, 117 of 2023 &  
1 of 2024

12

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 4<sup>TH</sup> DAY OF JULY 2024 / 13TH ASHADHA, 1946

LA.APP. NO. 117 OF 2023

AGAINST THE JUDGMENT AND DECREE DATED 21.11.2019 IN LAR NO.2 OF 2015  
OF SUB COURT, CHERTHALA

APPELLANT/2<sup>nd</sup> RESPONDENT:

THE COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, DEVASWOM HEAD QUARTERS,  
NANTHANCODE, THIRUVANANTHAPURAM, PIN - 695003

BY ADV G.SANTHOSH KUMAR -SC

RESPONDENTS/CLAIMANT & 1<sup>st</sup> RESPONDENT:

- 1 RADHAKRISHNAN UNNI  
S/O PARAMESWARAN UNNI, VARIATH VADKKE MADATHIL,  
PADINJATTUMKARA SOUTH MURI, THIRUMALABHAGAM P.O.,  
THURAVOOR SOUTH VILLAGE, PIN - 688540
- 2 STATE OF KERALA  
REP. BY THE SPECIAL TAHSILDAR L.A. (GENERAL) ALAPPUZHA,  
PIN - 688001

R1 BY ADVS.K MANOJ CHANDRAN K  
J.HARIKUMAR(K/000125/1985)  
P.R.AJITH KUMAR(K/000708/1998)  
AMMU CHARLES(K/000664/2013)  
S.A.MANSOOR (PATTANAM) (K/217/1994)

R2 BY SR.GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON  
04.07.2024, ALONG WITH LA.App..105/2014 AND CONNECTED CASES, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**A.MUHAMED MUSTAQUE & S.MANU, JJ.**

-----  
L.A.A.Nos.105, 168 of 2014,  
207, 208, 210, 214 of 2020,  
110, 115, 116, 117 of 2023 & 1 of 2024  
-----

Dated this the 04<sup>th</sup> day of July, 2024

**JUDGMENT**

**A.MUHAMED MUSTAQUE, J.**

These appeals were filed by the requisition authorities as well as the claimants. The requisition authority is the Commissioner of Travancore Devaswom Board. The land was acquired for the development of Thuravoor Mahakshethram. Notification under Section 4(1) was issued on 14.1.2008. The Land Acquisition Officer awarded compensation at Rs.74,617 per Are for 'A' category property, which was later enhanced to Rs.1,25,000 per Are. Aggrieved by enhancement Devaswom Board had come up with appeals. Claimants are also not satisfied with the compensation amount awarded.

2. The challenge raised by the Devaswom Board is on the ground that the reference court relied on post-

notification documents. This contention is true. In some of the cases parties relied only post-notification documents. However, in L.A.R.No.3/2015 from which L.A.A.No.207/2020 has arisen, the claimant produced documents of the year 2007 as well as 2008. In L.A.R.No.3/2015, document of the year 2007 was marked as Annexure-A4 and the other document immediately after the notification was marked as Annexure-A5. These documents are vital in this matter to determine the compensation.

3. The Commissioner deputed in the matter reported that the land referred to in Annexure-A4 and Annexure-A5 lies in close proximity to the acquired land. The Commissioner reported that the distance between the acquired land and the land mentioned in these documents is around 150 metres. The Commissioner also noted that this land is very close to a National Highway, being only 50 metres away from NH and Thuravoor Junction. Annexure-A4 document in LAR No.3/2015 pertains to a small extent of

land (77 sq.m.) with a sale consideration of over Rs.5,19,480 per Are. However, Annexure-A5 document, which was executed on 7<sup>th</sup> July, 2008, states that the sale consideration was Rs.3,80,751 per Are. Normally, the Court will not consider post-notification documents as the same may not reflect the true market value of the land as it is a transaction pursuant to post-notification. However, the Court shall consider whether there would be any other impact consequent upon acquiring land pursuant to the notification. In this case, the land was acquired for the development of a temple and not for any other commercial purpose or for any other developmental activity in the locality. Therefore, it cannot be said that the acquisition had an impact on increasing the market value of the land sought. When a post-notification document is taken into account along with other documents executed prior to the notification, the Court can very well arrive at a conclusion regarding the market value. Although Annexure-A4 relates to a small

extent of land, the Court cannot brush aside the market value shown therein, which exceeds Rs.5,00,000/-; whereas Annexure-A5 indicates a value of Rs.3,08,750/-. The Commission report indicates that the land lies in an important locality. Taking note of the totality of the fact, we are of the view that the market value can be fixed at Rs.3,00,000/- (Rupees Three lakh only) per Are.

4. Accordingly, we re-fix the market value at Rs.3,00,000/- (Rupees Three lakh only) per Are. Thus, following orders are passed:-

- i) Appeals filed by the Devaswom are dismissed. Appeals filed by the claimants are allowed re-fixing the market value of the land at Rs.3,00,000/- (Rupees Three lakh only) per Are.
- ii) Court fee paid by the requisition authority in any of the appeals be refunded as they are not bound to pay court fee in the light of the order of this Court dated 12.1.2023 in LA.App.(filing) No.616/2022 and connected



cases. The parties will be entitled for all consequential benefits.

iii) All other claims raised by the claimants are rejected.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

Sd/-

**S.MANU, JUDGE**

skj