

A

STATE OF KERALA
v.
MALAYALAM PLANTATION LTD.

SEPTEMBER 12, 1995

B

[K. RAMASWAMY, B.P. JEEVAN REDDY
AND B.L. HANSARIA, JJ.]

Kerala Land Acquisition Act, 1963 : Section 19.

C

Land Acquisition—Extraction of granite—Compensation for—Assessment by Commissioner—Acceptance by Court—Held valid.

D

In these land acquisition proceedings initiated for extracting the granite in the area under acquisition, a commissioner was appointed who reported on the quantum of granite available, extent of the land and the value thereof. The High Court and the Reference Court appreciated the evidence and came to the conclusion that compensation for granite, as assessed by the Commissioner, would be as determined by it.

Dismissing the State's appeal, this Court

E

HELD : There is no error of law in assessing the evidence so as to warrant interference. [537-D]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 210 of 1982.

F

From the Judgment and Order dated 19.12.80 of the Kerala High Court in L.A.A. No. 17 of 1977.

A.S. Nambiar, and M.T. George, for the Appellant.

Mrs. Meera Mathur for the JBD & Co. for the Respondent.

G

The following Order of the Court was delivered :

H

Notification acquiring 8.83 hectares of land for the purpose of constructing the dam was published on January 30, 1971 under Section 19 of the Kerala Land Acquisition act, 1963. The purpose of acquisition was to extract the granite lying in the area under acquisition. The Land acquisition

Officer awarded separately for granite, apart from the land where no granite is available. On a reference made to the Civil Court, a Commissioner came to be appointed, who on personal inspection noted that 7,12,500 cubic Meters granite was available in 15.77 acres of land. He assessed the rate at Rs. 1,02,493. The Reference Court accepting the report relating to the quantum of granite available, extent of the land and the value thereof, determined the land value at a sum of Rs. 17,717.59 as assessed by the Land Acquisition Officer himself, and awarded an additional compensation in a sum of Rs. 98,011.07 for the granite as well as value of the trees standing on the land. The respondent filed cross-objections and the High Court enhanced the compensation at Rs. 1,78,125.

The High Court and the Reference Court had appreciated the evidence and came to the conclusion that the compensation for the granite, as assessed by the Commissioner, would be as determined by it. We do not think that there is any error of law in assessing the evidence warranting interference.

The appeal is accordingly dismissed. No costs.

T.N.A.

Appeal dismissed.