

Urumees and Others

Vs

State of Kerala Others

Civil Appeals Nos. 1697-98 of 1998

(S. B. Majmudar, S. P. Kurdukar JJ)

20.03.1998

ORDER

1. Leave granted. We have heard learned counsel for the parties finally by their consent.
2. The short question is whether the High Court by the impugned judgment was justified in summarily disposing of the appeals against the decisions rendered by the reference court which had granted enhanced compensation which was claimed to be inadequate by the appellant-claimants in the appeals before the High Court. The High Court in a very short laconic judgment while disposing of these appeals observed as under :

"The claimants are the appellants. Portions of their properties in different survey numbers of East Chalakudy Village in Mukundapuram Taluk were acquired for the Housing Accommodation Scheme at Chalakudy pursuant to Section 3(1) notification dated 26-6-1981. By award dated 23-9-1986, they were offered land value at Rs 2000 per cent. The Court below went into the contentions of the parties in the light of oral and documentary evidence and refixed the land value at Rs 3000 per cent. We were taken through the judgment and the relevant materials. We are satisfied that the Court had gone by the right considerations and that just and adequate compensation had been awarded. In our view, there is no case, for further enhancement. The appeals fail and are dismissed."

3. To say the least why the High Court thought that Rs 3000 per cent is proper market value and on the basis of which documents is not seen from the judgment. The High Court was deciding the first appeals on merits wherein questions of fact were all open for consideration. We find that no real reasoning is decipherable from the judgment.
4. Only on this short ground therefore and without expressing any opinion on the merits of the controversy between the parties these appeals are allowed. LAAs Nos. 579 and 628 of 1993 are restored to the file of the High Court with a request to the Division Bench of the High Court to proceed further in accordance with law and dispose of these appeals by a reasoned judgment. No costs.