

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

CRP.No.916 of 2004

AGAINST THE ORDER IN E.P.170/2003 IN LAR 1025/1988 OF 1ST
ADDITIONAL SUB COURT, ERNAKULAM DTD.15.03.2004

REVISION PETITIONERS/JUDGMENT DEBTORS IN THE E.P:

1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM.
2. COCHIN EXPORT PROCESSING ZONE,
KAKKANAD, REP.BY ITS DEVELOPMENT COMMISSIONER.
(TRANSPosed)

(2nd revision petitioner is transposed as 3rd respondent as per
order dtd. 24.9.07 in I.A. 2237/2007).

R1 BY GOVERNMENT PLEADER SMT. LILLY LESLIE.

RESPONDENTS/DECREE HOLDERS IN THE E.P:

1. ESSA ISMAIL SAIT,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
K.P.VALSALAN, S/O. K.A.PARAMESWARAN (died. LRs
impleaded)
 2. CHANDRASEKHARA PILLAI,
AMBIKA VILASAM, N.PARUR. (died. LRs impleaded)
- ADDL.R3 COCHIN EXPORT PROCESSING ZONE,
KAKKANAD, REP.BY ITS DEVELOPMENT COMMISSIONER.
- ADDL.R4 MUHAMMED YENIYA, S/O. SRI. ESSA ISMAIL SAIT.
HOUSE No.XXXVIII/213, CONVENT ROAD,
ERNAKULAM, COCHIN (LAST KNOWN ADDRESS), PIN - 682 011
- ADDL.R5 UNNIKRISHNAN NAIR (SON), REMYA, CHETTUPUZHA P.O.,
THRISSUR - 680 621.

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ADDL.R6 HARIDAS A.C. (SON), HAPPY VILLA (OPPOSITE CSEZ),
KAKKANAD P.O., KOCHI - 682 037.

ADDL.R7 VENUGOPALAN NAIR A.C. (SON), VRINDAVAN, (OPPOSITE
CSEZ), KAKKANAD P.O., KOCHI - 682 037.

ADDL.R8 AMBIKA MENON (DAUGHTER), W/O. P.U.K. MENON,
PULIYANKANDATHIL HOUSE, (OPPOSITE CSEZ),
KAKKANAD P.O., KOCHI - 682 037.

(ADDL.R4 IS IMPEADED AS THE LEGAL HEIRS OF THE
DECEASED 1ST RESPONDENT VIDE ORDER DTD.7.10.14 IN
I.A.1345/12 IN CRP 916/2004.

(ADDL.R5 TO R8 ARE IMPEADED AS THE LEGAL HEIRS OF the
DECEASED 2ND RESPONDENT VIDE ORDER DTD.7.10.14 IN
I.A.1763/13).

R1 BY ADV. SRI.VARGHESE PARAMBIL
R4 BY ADV. SRI.N.SUBRAMANIAM
R4 BY ADV. SRI.M.S.NARAYANAN
R4 BY ADV. SRI.P.T.GIRIJAN
R4 BY ADV. SMT.USHA NARAYANAN
R8 BY ADV. SRI.PEEYUS A.KOTTAM
R5,R6,R7 BY ADV. SRI.V.M.SYAM KUMAR
R5,R6,R7 BY ADV. SMT.KRIPA ELIZABETH MATHEWS
R5,R6,R7 BY ADV. SMT.DIVYA C.MOHAN
R6,R7 BY ADV. SRI.V.N.HARIDAS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON
04-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.BHAVADASAN, J.

Civil Revision Petition No.916 OF 2004

Dated this the 4th day of June, 2015.

O R D E R

Aggrieved by the order dated 15.03.2004 in E.P.No.170/2003 in L.A.R.No.1025/1988, State has come up in revision. The matter relates to land acquisition proceedings in which property belonged to one Essa Ismail Sait was acquired and an Award was passed by the Land Acquisition Officer and reference was made under Section 18 of the Land Acquisition Act and claimant was given enhanced compensation. Then the matter was brought before this Court and this Court re-fixed the compensation.

2. In execution proceedings, the respondents contended that the claimant is not entitled to interest on solatium. Though it was contended and raised at the time of hearing, the impugned order has been passed by the court below.

3. The impugned order is very cryptic and it contains no reason either to accept or to reject the contentions. The matter

is only to be remanded to the lower court for passing appropriate orders.

In the result, this petition is allowed and the matter is remanded to the lower court for fresh disposal in accordance with law and in the light of what has been stated above. The parties shall appear before the lower court on 03.07.2015.

Sd/-

**P.BHAVADASAN
JUDGE**

smp

// True Copy //

P.A. to Judge.