

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

OP(C).No. 2709 of 2015 (O)

IA NO. 926/2015 IN LAR NO. 27/2010 OF SUB COURT, KOLLAM

PETITIONER/CLAIMANT :

**VASANTHAKUMARI AMMA, AGED 50,
W/O.SASIDHARANPILLAI, PANDARAVILA KIZHAKKATHIL
CHEMMAKKADU CHERRY, PANAYAM VILLAGE.**

BY ADV. SRI.ARUN BABU

RESPONDENTS/RESPONDENT :

**1. STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR,
KOLLAM-13.**

**2. DEPUTY CHIEF MANAGER
CONSTRUCTION, SOUTHERN RAILWAY
THIRUVANANTHAPURAM-695 001.**

**R1 BY SR. GOVT. PLEADER SMT. SUNITHA VINOD
R2 BY ADV. SRI.C.S.DIAS, SC**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 27-11-2015, ALONG
WITH OP(C). 2710/2015 & CONNECTED CASES, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

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APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1 : TRUE COPY OF THE IA 926/15 DT. 22-5-15 IN LAR 27/2010 PENDING
BEFORE THE SUB COURT, KOLLAM.

EXT. P2 : THE TRUE COPY OF THE ADDITIONAL WRITTEN STATEMENT FILED IN
LAR 27/2010 PENDING BEFORE THE SUB COURT, KOLLAM.

EXT. P3 : THE CERTIFIED COPY OF THE ORDER DT. 21-8-2015 IN IA 926/15 IN
LAR 27/2010 PENDING BEFORE THE SUB COURT, KOLLAM.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.

**O.P.(C)Nos.2709 of 2015, 2710 of 2015,
2711 of 2015, 2712 of 2015
and 2719 of 2015**

Dated this the 27th day of November, 2015

C O M M O N J U D G M E N T

The properties involved in all these cases were acquired by the State under the Land Acquisition Act of 1894. Award was passed and possession taken before The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act came into force. All the petitioners sought a reference under Section 18 of the Land Acquisition Act and when the new Act came into force these matters were pending before the reference court. They filed applications for amendment of the written statements filed in the reference proceedings incorporating a plea that they are entitled to the benefits given the new Act. This has been rejected by the reference court. Its correctness is challenged.

2. Heard.

3. Admittedly, the award was passed and possession of the property was taken by the State long before the coming into force of the new Act. It is clear

O.P.(C)Nos.2709 of 2015, 2710 of 2015,
2711 of 2015, 2712 of 2015
and 2719 of 2015

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from Section 24 that new Act is not applicable to such cases. A learned Single Judge of this court in ***Sayed Mohammed Koya Thangal Vs. Union Territory of Lakshadweep (2015 (1) KLT 453)*** held that in situations like the present one the new Act has no application. The judgement was challenged before a Division Bench, which has confirmed the judgment of a learned Single Judge in ***Sayed Mohammed Koya Thangal P Vs. Administration of the Union Territory of Lakshadweep and Others (2015 (2) KHC 525)***. There cannot be any doubt that the learned Sub Judge rightly rejected the prayer of the petitioners. These OPs are not maintainable.

In the result these OPs are dismissed.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge