

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

RPNo. 760 of 2015 (C)

JUDGMENT DATED 29.6.2015 IN WP(C) 19426/2015
.....

REVIEW PETITIONER(S)/RESPONDENTS 1 TO 4 AND 6 IN W.P.(C):

1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM-695 001.
3. DISTRICT COLLECTOR,
KOTTAYAM 686001.
4. SPECIAL TAHSILDAR (LA),
GENERAL, PALA 686575.
5. THE SECRETARY TO THE DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

BY SENIOR GOVERNMENT PLEADER SRI.C.S.MANILAL

RESPONDENT(S)/PETITIONER & 5TH RESPONDENT IN W.P.(C):

1. OUSEPH KURIAKOSE, AGED 74 YEARS,
S/O. OUSEPH, PUTHEN PURACKAL HOUSE, VALAVOOR,
VALLICHIRA VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT.
2. AVIRAH VARKEY, AGED 91 YEARS,
S/O. VARKEY, CHEMBOTTICKAL HOUSE, VALAVOOR,
VALLICHIRA VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT.
3. KERALA STATE IT INFRASTRUCTURE LTD.,
TECHNO PARK CAMPUS, THIRUVANANTHAPURAM - 695 581,
REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.P.C.HARIDAS

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
06-10-2015 ALONG WITH RP.NO. 654/2015 AND CONNECTED CASES,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

V.CHITAMBARESH, J.

**Review Petition NOs. 760, 738,723,662
and 654 OF 2015**

Dated this the 6th day of October, 2015

ORDER

A subsequent development has taken place inasmuch as the new rate of compensation amount tentatively suggested by the District Collector in his proceedings dated 2.6.2014 was not accepted by the State Level Empowered Committee. The Special Tahsildar, Land Acquisition has filed an affidavit in these review petitions wherein it is inter alia stated as follows:

"At this juncture the only available option now left is that the petitioners in the writ petition can give their consent in Form No.10A agreeing the DLPC rate, which was approved by the SLEC as per G.O(Rt) No.4252/14/RD dated 1.9.2014 on condition that 100% of DLPC rate (which was held on 20.1.2014) will be paid on handing over the land. Further compensation, if any, eligible to them as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 will be paid after the Rules for the New Act come into force."

**Review Petition NOs. 760,
738,723,662 and 654 OF 2015**

2. The claimants can accept 100% of the amount as suggested by the District Level Purchase Committee at the time of handing over of the land. The same would, however, be without prejudice to their claim under the Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013.

3. The paragraph 1 of the judgment of which review is sought is modified accordingly in the light of the affidavit of the Special Tahsildar (Land Acquisition). A supplementary award under the new Act shall be passed within a period of six months in the light of the decision reported in **Varghese M.V vs. State of Kerala and Ors (I.L.R. 2015(3) Kerala 947)**.

These review petitions are disposed of as above.

V.CHITAMBARESH, JUDGE

sks

**Review Petition NOs. 760,
738,723,662 and 654 OF 2015**