

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

RP.No. 827 of 2015 () IN WP(C).21320/2015

WP(C) 21320/2015 of HIGH COURT OF KERALA DATED 15-07-2015

REVIEW PETITIONERS/RESPONDENTS IN WP(C):

1. STATE OF KERALA REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF INFORMATION TECHNOLOGY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.695 001.
2. DISTRICT COLLECTOR,
COLLECTORATE,
KOTTAYAM, PIN 686001.
3. SPECIAL TAHSILDAR (LAND ACQUISITION)(GENERAL)
CIVIL STATION, PALA, KOTTAYAM PIN. 686576.

BY SENIOR GOVERNMENT PLEADER SRI. C.S. MANILAL

RESPONDENTS/PETITIONERS IN WP(C):

1. T.R.GIRIJA KUMARI, DEVASWAM PADAVIL,
VALAVOOR, PALA, NOW RESIDING AT SUDARSANAM,
HARMONY VILLAS, VATTAMPARAMBU LANE,
AZAD ROAD, KALOOR, COCHIN-17.
2. R.AJI, S/O.K.N.RAGAVAN NAIR, DEVASWAM PADAVIL, VALAVOOR
PALA, NOW RESIDING AT FLAT NO.D3, AKASH RESIDENCY,
CHELEKARA MAIN ROAD, KALYAN NAGAR, BANGALORE-43.
3. P.C.BINU, S/O.LATE S.VIMALADEVI,
PONNORATH (H), PUNNATHARA WEST,
ETTUMANOOR, KOTTAYAM.
4. P.C.MANU, S/O.LATE S.VIMALADEVI,
PONNORATH (H), PUNNATHARA WEST
ETTUMANOOR, KOTTAYAM.

R1-R4 BY ADV. SRI.J.KRISHNAKUMAR
R1-R4 BY ADV. SRI.JAISHANKAR V.NAIR

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 08-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. CHITAMBARESH, J

R.P. NO. 827 OF 2015
IN
WP(C) NO. 21320 OF 2015

Dated this the 8th day of October, 2015

ORDER

A subsequent development has taken place in as much 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 this review petition 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.”

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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 petition is disposed of as above.

**V. CHITAMBARESH
JUDGE**

ncd