

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WA.No. 312 of 2015 IN WP(C).23611/2014

AGAINST THE ORDER IN WP(C) 23611/2014 DATED 30-01-2015

APPELLANT/PETITIONER IN WPC NO.23611/2014 :

SELVAM, AGED 32 YEARS
S/O ARUNACHALAM, DOUBLE STAR SALOON, MATHOOR JUNCTION
EROOR PO, TRIPUNITHURA

BY ADV. SRI.VARGHESE C.KURIAKOSE

RESPONDENTS/RESPONDENTS IN WP(C) 23611/2014 :

1. STATE OF KERALA, REP.BY SECRETARY, DEPT. OF REVENUE, SECRETARIAT
TRIVANDRUM 695 001
2. LAND REVENUE COMMISSIONER, STATE OF KERALA
PUBLIC OFFICE BUILDING MUSEUM JUNCTION
TRIVANDRUM 695 001
3. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION, ERNAKULAM 682 030
4. THE SPECIAL TAHSILDAR
LA, RAILWAYS, KARSHAKA ROAD
ERNAKULAM, KOCHI-682 016
5. THE TRIPUNITHURA MUNICIPALITY
MUNCIPAL OFFICE, LAYAM ROAD
TRIPUNITHURA REP.BY ITS SECRETARY 682 301
6. THE CHAIRMAN, TRIPUNITHURA MUNICIPALITY
MUNCIPAL OFFICE, LAYAM ROAD, TRIPUNITHURA 682 301
7. THE ROADS AND BRIDGES DEVELOPMENT
CORPORATION OF KERALA LTD, 2ND FLOOR, PRERTHI ROAD
M.V.ROAD, PALARIVATTOM, KOCHI-25
REP.BY ITS MANAGING DIRECTOR

R1 TO R4 BY SR.GOVERNMENT PLEADER, SRI.JOE KALLIATH
R5 & R6 BY SRI.V.M.KURIAN,SC
R7 BY SRI.M.VIJAYA KUMAR, SC, RBDCK

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12-02-2015, ALONG
WITH W.A. No.313/2015 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.A. Nos. 312, 313, 317, 318 and 319 OF 2015

Dated this the 12th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel appearing for the appellants. These appeals have been filed against an interim order dated 30.01.2015 in the writ petitions giving rise to these writ appeals. The learned Single Judge passed the following order on 30.01.2015:

"The land acquisition proceedings can go on subject to the result of the writ petitions."

2. The appellants in these writ appeals are tenants of the premises which are under acquisition proceedings for construction of railway over bridge. Learned counsel for the appellants contends before us that before taking possession respondents were under an obligation to pay compensation under the rehabilitation scheme which submission is refuted by learned counsel for the respondents and submitted that since present is not a case of land owner accepting the negotiated price, said rehabilitation package need not apply.

W.A. Nos. 312, 313, 317, 318 and 319 of 2015

-:2:-

3. We are of the view that as the writ petitions are pending and all these issues can be raised before the learned Single Judge, we do not intend to enter into any finding in that regard. The appeals are filed only against an interim order which provides that proceedings of acquisition may go on subject to the result of the writ petitions.

We do not find that these are cases which may warrant interference by the appellate court at this stage. Hence the Writ Appeals are dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**

ttb/12/02

W.A. Nos. 312, 313, 317, 318 and 319 of 2015

-:3:-