

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WA.No. 458 of 2015 () IN WP(C).1070/2013

AGAINST THE ORDER/JUDGMENT IN WP(C) 1070/2013 of HIGH COURT OF KERALA
DATED 11-11-2014

APPELLANT(S)/PETITIONERS:

1. A.K.MAMAN
S/O.KUNJAYYAPPAN, AYINIPULLY HOUSE, METHALA P.O.
KOLLAKULAM, KODUNGALLUR, THRISSUR DISTRICT.
 2. A.M.SHAJEEVAN
S/O.A.K.MAMAN, AYINIPULLY HOUSE, METHALA P.O.
KOLLAKULAM, KODUNGALLUR, THRISSUR DISTRICT.
 3. SARVOTHAMA PRABHU
KALAPURA KOVILAKAM, KIZHAKKEMADOM, LOKAMALLESWARAM
P.O.KODUNGALLUR.
 4. M.V.RADHA
KALAPURA KOVILAKOM, P.O.SRINGAPURAM, KODUNGALLUR.
 5. SOBHAKUMARI
PARAVATHPARAMBIL HOUSE, P.O.SRINGAPURAM, KODUNGALLUR.
- BY ADVS.SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENT(S)/RESPONDENTS:

1. THE KODUNGALLUR MUNICIPALITY
REPRESENTED BY ITS SECRETARY, KODUNGALLUR
THRISSUR DISTRICT-680664.
2. LAND ACQUISITION OFFICER
SPECIAL TAHSILDAR, LAND ACQUISITION OFFICE, GENERAL
THRISSUR-680001.
3. THE DISTRICT COLLECTOR
THRISSUR-680001.
4. LAND REVENUE COMMISSIONER
OFFICE OF THE LAND REVENUE COMMISSIONER
PUBLIC OFFICE BUILDING, THIRUVANANTHAPURAM-695033.

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5. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO LOCATION
ADMINISTRATION (RC) DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.

BY SRI.BABU KARUKAPADATH
R2 TO R5 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL
BY SRI.K.A.NOUSHAD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A.No.458 of 2015

Dated this the 7th April, 2015

JUDGMENT

Shaffique, J.

This Writ Appeal is filed by the appellants challenging the judgment dated 11.11.2014 in W.P(C).No.1070 of 2013.

2. The Petitioners filed the Writ Petition for quashing Exhibits P3, P5, P15 and P22 by which notification under Section 4(1) of the Land Acquisition Act (hereinafter referred to as 'the L.A.Act') has been issued. Thereafter, declaration was published and an award has been passed. The petitioners inter alia contended that the award was passed beyond the specified period under Section 6(2) of the L.A. Act. The petitioners also contended that there was no reason for effecting the acquisition of the land. The learned Single Judge, on a consideration of the entire factual aspects involved in the matter, dismissed the Writ Petition finding that the award was passed within the period specified in Section 6(2) of the L.A. Act and there was no reason for the petitioners to challenge the notification as well as the award passed.

3. It is argued by learned counsel for the appellants that the very purpose for which the property has been acquired has

been lost. It is further argued that though the petitioner on either side of the private pathway had been acquired, no steps are taken to issue notification for acquiring the pathway as well. As far as the appellants are concerned, if there is any dispute regarding area of the land acquired, it is always open for the petitioners to take appropriate steps seeking reference under Section 18 of the L.A. Act, if any excess area of the land is taken possession. As far as the use of the land is concerned, it is always open for the acquisitioning authority to utilise the land.

We do not find any ground to interfere with the judgment of the learned Single Judge. Accordingly, the Writ Appeal is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs