

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 550 of 2013 (P)

PETITIONERS:

**K.V.KUNHAMBU NAIR, AGED 70 YEARS
S/O.K.M.KANNAN NAMBIAR, RESIDING AT P.O.RAMANTHALI
KANNUR DISTRICT.**

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, KANNUR,
PIN - 670 001.**
- 2. THE SPECIAL TAHSILDAR (LA)
NAVAL ACADEMY, THALASSERI, PIN - 670 141.**

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF APPLICATION DATED 28/05/1998 UNDER SECTION 28A OF THE LAND ACQUISITION ACT SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXT.P2: TRUE COPY OF ORDER NO.D.DIS.C.887/08 DATED 27/03/2009 ISSUED BY THE 2ND RESPONDENT REJECTING EXT.P1 APPLICATION.**
- EXT.P3: TRUE COPY OF APPLICATION DATED 25/04/2009 UNDER SECTION 28A(3) OF THE LAND ACQUISITION ACT SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXT.P4: TRUE COPY OF ORDER NO.D.DIS.1179/09 DATED 9/11/2010 ISSUED BY THE 2ND RESPONDENT REJECTING EXT.P3 APPLICATION.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 550 OF 2013

Dated this the 24th day of February, 2015

JUDGMENT

The applications for redetermination of compensation under Section 28A of the Land Acquisition Act, 1894 have been dismissed by Exts. P2 and P4 orders. The only reason stated therein is that such a redetermination cannot be had on the basis of revised judgments. This view is palpably wrong in view of the authoritative pronouncement of the Supreme Court on the issue.

2. Exts. P2 and P4 orders are accordingly quashed and the second respondent is directed to reconsider the applications (Exts. P1 and P3). The same shall be done with notice to the petitioner within a period of two months.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS