

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 MARCH 2015/21ST PHALGUNA, 1936

WA.No. 1128 of 2014 () IN WP(C).29433/2013

AGAINST THE JUDGMENT IN WP(C) 29433/2013 of HIGH COURT OF
KERALA DATED 19-02-2014
APPELLANT(S)/PETITIONER IN W.P.(C):-:

M.M.VENUGOPAL, AGED 55 YEARS
S/O.M.K.MADHAVAN, RESIDING AT MUTHIRAKALAYIL
ETTUMANOOR P.O., KOTTAYAM DISTRICT, PIN - 686 631.

BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SRI.B.BIPIN
SMT.THARA THAMBAN

RESPONDENT(S)/RESPONDENTS/RESPONDENTS IN W.P.(C):-

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN - 695 001.

2. THE DISTRICT COLLECTOR,
KOTTAYAM, KOTTAYAM DISTRICT, PIN - 686 001.

3. THE TAHSILDAR (LAND ACQUISITION,
COLLECTORATE, KOTTAYAM, PIN - 686 001.

4. THE VILLAGE OFFICER,
ETTUMANOOR, ETTUMANOOR P.O., KOTTAYAM DISTRICT
PIN - 686 631.

5. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM, PIN - 686 001.

BY GOVERNMENT PLEADERSRI.C.R. SHYAMKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
12-03-2015 ALONG WITH W.A. NO. 597 OF 2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

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

.....
W.A. No. 1128 of 2014 & 597/2015
.....

Dated this the 12th day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ

These two Writ Appeals have been filed against the common judgment dated 19th February, 2014 in W.P.C. No. 29433/2013 and 29432/2013. The petitioners had filed the Writ Petition praying for quashing of Ext. P3. Ext. P3 was a letter issued by the District Collector refusing the petitioners request to category change of their land during land acquisition proceedings. Petitioners have also prayed for a mandamus seeking a declaration that petitioners are entitled to category change as category ' J ' instead of 'L' Category and a further direction to the 2nd respondent to assess the fair value of the property.

2. The learned Government Pleader submitted that the proceedings under the Land Acquisition Act were initiated in which Section 4 (1) notification has been issued and award has also been passed.

3. In view of the above submission, we are of the view that the land having been acquired, all rights in the land are to be examined and settled in accordance with the procedure prescribed under the Land Acquisition Act. The Writ Petition, at this stage, for change of category of the land has rightly not been entertained by the learned Single Judge.

We, thus, do not find any error in the judgment of the learned Single Judge dismissing the Writ Petition. Accordingly, these Writ Appeals are dismissed.

SD/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

SD/- A.M.SHAFFIQUE,
JUDGE

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/truecopy/

P.S. to Judge

