IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WA.No. 1706 of 2015 () IN WP(C).20873/2015

AGAINST THE JUDGMENT IN WP(C) 20873/2015 OF HIGH COURT OF KERALA
DATED 10-07-2015

APPELLANTS/PETITIONERS:
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1. RANI JOJI
   W/O.JOJI CHERIAN, RESIDING AT DOOR NO.8/487
   LIBRARY ROAD, ALUVA, ERNAKULAM DISTRICT.

2. ITHAMMA
   D/O.VELLOOKKUNNEL VARKEY, KANJOOR ANGADI
   KIZHAKUMPURAM VILLAGE, ALUVA TALUK
   ERNAKULAM DISTRICT NOW RESIDING AT PARAKA VEEDU HOUSE
   DESOM WEST, CHENGAMANAD.

   BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
   SRI.S.SUJIN

RESPONDENTS/RESPONDENTS:
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1. THE DISTRICT COLLECTOR, ERNAKULAM, PIN-682030.

2. SPECIAL TAHSILDAR (LA) 2, KOCHI METRO RAIL PROJECT
   CIVIL STATION, KAKKANAD 682030.

3. THE MANAGING DIRECTOR (KMRL)
   KOCHI METRO RAIL LTD., 8TH FLOOR, REVENUE TOWER
   KOCHI-682 011.

4. STATE OF KERALA
   REPRESENTED BY THE CHIEF SECRETARY TO GOVT. SECRETARIAT
   THIRUVANANTHAPURAM-695 001.

5. THE INCOME TAX OFFICER
   INCOME TAX DEPARTMENT, WARD NO.1(4)
   RANGE 1(NON CORPORATE), 3RD FLOOR, C.R.BUILDING
   I.S.PRESS ROAD, KOCHI-682 018.

   R1, R2 & R4 BY SENIOR GOVERNMENT PLEADER SRI. LIJU STEPHEN
   R3 BY SMT.M.U.VIJAYALAKSHMI, SC, KOCHI METRO RAIL LTD.
   R5 BY SRI.K.M.V.PANDALAI, INCOME TAX DEPARTMENT

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

shg/

WA.No. 1706 of 2015 () IN WP(C).20873/2015

APPENDIX

APPELLANTS' ANNEXURES:

A1. COPY OF THE INTERIM ORDER DATED 22.7.2015 IN W.P.(C) NO.21478/2015 FILED BY THE KOCHI METRO RAIL LTD.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A. TO JUDGE

T.R. RAMACHANDRAN NAIR & K.P. JYOTHINDRANATH, JJ.

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W.A.No.1706 of 2015

- -

Dated this the 4th day of August, 2015

J U D G M E N T

Ramachandran Nair, J.

The appellants are the petitioners in W.P.(C) No.20873/2015.

2. We heard learned Senior Counsel for the appellants Sri. N.N. Sugunapalan and Sri. S.Sujin and the learned Standing Counsel for the Department Sri. K.M.V. Pandalai.

3. Learned Senior Counsel Sri.N.N. Sugunapalan submitted that even though the learned Single judge has directed to release 20% of the compensation withheld no particular direction has been issued with regard to the release of the income tax components of the said amount.

4. The learned Standing Counsel for the Department submitted that there will not be any difficulty for the petitioners in the matter.

5. We therefore clarify that while releasing the

amount representing 20% the Tahsildar will not deduct any amount towards income tax and the total amount representing 20% compensation will be released to the appellants/petitioners.

The Writ Appeal is accordingly disposed of modifying the judgment of the learned Single Judge to the above extent.

Sd/-
T.R. RAMACHANDRAN NAIR
JUDGE

Sd/-

K.P. JYOTHINDRANATH
JUDGE

//True copy//

P.A. TO JUDGE

shg/