

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 2749 of 2012 (P)

PETITIONER(S):

KAYALLOOR KESAVAN NAIR, AGED 60 YEARS
MANIYERI HOUSE, 'KRISHNALAYAM', P.O.VELLUR
(VIA) PAYYANNUR, KANNUR DISTRICT
REPRESENTED BY POWER OF ATTORNEY HOLDER
KAYALLOOR PADMANABHAN
S/O.KANNAN NAIR, AGED 60 YEARS, RESIDING AT 'PRASANTHI'
KAROL, P.O.VELLUR, PAYYANNUR,
KANNUR DISTRICT.

BY ADVS.SRI.M.SASINDRAN
SRI.SATHEESHAN ALAKKADAN

RESPONDENT(S):

1. DISTRICT COLLECTOR,
KANNUR-670 001.
2. THE SPECIAL TAHSILDAR
LAND ACQUISITION NO.II, NAVAL ACADEMY
RAMANTHALI-670 308, KANNUR DISTRICT.

R2 BY ADV. GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P (C) NO.2749 OF 2012

PETITIONER(S) EXHIBITS

- EXHIBIT P1. A TRUE COPY OF THE ORDER DATED 31/7/2006 IN LAR NO.48/2004 THE SUB COURT, PAYYANNUR.
- EXHIBIT P2. A TRUE COPY OF THE APPLICATION FILED UNDER SECION 28 A OF LAND ACQUISTION ACT DATED 25/10/2006.
- EXHIBIT P2(a) A TRUE COPY OF THE APPLICATION FILED UNDER SECION 28 A OF LAND ACQUISTION ACT DATED 25/10/2006.
- EXHIBIT P3. A TRUE COPY OF THE COUNTER STATEMENT FILED BY THE PETITIONER IN LAR NO.174/2008.
- EXHIBIT P4. A TRUE COPY OF THE COUNTER STATEMENT FILED BY THE PETITIONER IN LAR NO.175/2008.
- EXHIBIT P5. A TRUE COPY OF THE COUNTER STATEMENT FILED BY THE 2ND RESPONDENT IN LAR NO.174/2008 DATED 5/5/2010.
- EXHIBIT P6. A TRUE COPY OF THE COUNTER STATEMENT FILED BY THE 2ND RESPONDENT IN LAR NO.175/2008 DATED 5/5/2010.
- EXHIBIT P7. A TRUE COPY OF THE PROCEEDINGS TAKEN BY THE RESPONDENTS WITH RESPECT TO THE PROPERTY IN RS NO.379/6 IN RELATING TO LAR NO.174/2008.
- EXHIBIT P8. A TRUE COPY OF THE PROCEEDINGS TAKEN BY THE RESPONDENTS IN RESPECT TO THE PROPERTY IN RS NO.379/8 IN RELATING TO LAT NO.175/2008.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.2749 of 2012

Dated this the 25th day of February, 2015

J U D G M E N T

The earlier application put in by the petitioner under Section 28A of the Land Acquisition Act, 1894 was rejected as barred by limitation. The subsequent application put in under Section 28A(3) of the Land Acquisition Act, 1894 was allowed and references made. But LAR.Nos.174/2008 and 175/2008 on the file of the Sub Court, Payyannur in this regard were closed for the non-appearance of the petitioner.

2. It is trite law that any land acquisition reference has to be dealt with on merits only. I therefore give liberty to the petitioner to re-open LAR.Nos.174/2008 and 175/2008 on the file of the Sub Court, Payyannur for decision on merits. The Sub Court shall deal with the re-determination of the compensation amount to the petitioner purely on merits only. It is clarified that the petitioner can press into service any subsequent judgment in relation to the land acquired by the same notification.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.