

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WA.No. 1820 of 2015 () IN WP(C).18332/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 18332/2015 of HIGH COURT OF
KERALA

APPELLANT(S) /PETITIONER:

P.K. GOPALAN @GOPALAN VENDUVAZHY AGED 58 YEARS
S/O.KELAN, PUTHEEKAMOLATH, VENDUVAZHY
KOTHAMANGALAM 686 691.

BY ADVS.SRI.S.SANAL KUMAR
SMT.T.J.SEEMA
SMT.BHAVANA VELAYUDHAN

RESPONDENT(S) /RESPONDENTS:

1. UNION OF INDIA
REPRESENTED BY THE SECRETARY TO PUBLIC ADMINISTRATION
CENTRAL SECRETARIAT, NEW DELHI 110001.

2. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO TRANSPORT DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM 695001

3. THE DEPUTY CHIEF ENGINEER
(CONSTRUCTION WING -II) SOUTHERN RAILWAY
ERNAKULAM 682 016.

4. THE SPECIAL TAHSILDAR
LAND ACQUISITION (RAILWAY), TALUK OFFICE
PERUMBAVOOR 683 542.

BY SRI.C.S.DIAS,SC, RAILWAYS
R1 BY SRI.GIRISH KUMAR.V., CGC
R2 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A.No. 1820 of 2015

Dated this the 2nd September, 2015

JUDGMENT

Ashok Bhushan, CJ.

This Writ Appeal has been filed against the judgment dated 18.6.2015 in W.P(C).No.18332 of 2015. The petitioner in the Writ Petition had prayed for the following reliefs:

- “i. issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to restore the acquired land to the petitioner; in the alternative,*
- ii. issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to disburse the compensation to the petitioner.”*

2. The pleading in the Writ Petition was that the acquisition has lapsed under Section 24(2) of the Right to

Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The learned Single Judge has accepted the said submission and held that no declaration under Section 6 of the Land Acquisition Act, 1894 having been issued, the acquisition has lapsed.

The reliefs claimed by the petitioner having been granted by the learned Single Judge, we see no ground to entertain the Writ Appeal at the instance of the writ petitioner. The Writ Appeal is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs2/9/15