

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

WA.No. 2219 of 2015

AGAINST THE ORDER IN WP(C) 19611/2015 of DATED 17-09-2015

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APPELLANTS/PETITIONERS :

1. SHANAVAS, AGED 31 YEARS,
S/O.BHASHEER, SHANAVAS MANSIL
43/51A AYYAPPAN KAVU,
KOCHI - 682 018.
2. K.M. SHEERIJAN, AGED 56 YEARS,
W/O.BASHEER, SHANAVAS MANSIL,
43/51A AYYAPPAN KAVU,
KOCHI - 682 018.
3. BASHEER, AGED 60 YEARS,
S/O.MUHAMMED YUSEF, SHANAVAS MANSIL
43/51A AYYAPPAN KAVU,
KOCHI - 682 018.

BY ADV. SRI.T.R.S.KUMAR

RESPONDENTS :

1. STATE OF KERALA, REPRESENTED BY
ITS CHIEF SECRETARY, THIRUVANANTHAPURAM.
2. THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM.
3. DISTRICT COLLECTOR, ERNAKULAM
COLLECTORATE, KAKKANAD.
4. STATE OF KERALA, REPRESENTED BY
THE SPECIAL TAHSILDAR(L.A.), METRO No.I,
KAKKANAD.
5. KOCHIN METRO RAIL LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
8TH FLOOR, REVENUE TOWERS,
PARK AVENUE, KOCHI - 682 011.

R1 TO R4 BY SR.GOVERNMENT PLEADER, SRI. P.I. DAVIS.

R5 BY SMT.M.U.VIJAYALAKSHMI, SC, KOCHI METRO RAIL LTD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 2219 OF 2015

Dated this the 9th day of October, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the appellants and learned Government Pleader. This writ appeal has been filed against the interim order dated 17.09.2015 by which order the learned Single Judge after admitting the writ petition called for a counter affidavit and made it clear that handing over of possession of the property by the petitioners and receipt of 50% of the compensation shall be without prejudice to the right of the petitioners under the 2013 Act.

2. Learned counsel for the appellant submits that after passing of the interim order by learned Single Judge, on 28.09.2015 the 3rd respondent has given notice to the appellant/petitioner intimating the intention of Government to take over the property of petitioners and without giving any compensation, the petitioners have been dispossessed.

Learned counsel for the appellants submits that they are not intending to enter into any agreement for sale.

3. Be that as it may, as the writ petition is pending, it is open for the appellants to raise all their contentions before the learned Single judge and learned Single Judge may pass appropriate orders. We do not find any ground to interfere with the impugned interim order at this stage.

With the above observation, the Writ Appeal is closed.

Sd/-
Ashok Bhushan,
Chief Justice.

Sd/-
A.M. Shaffique,
Judge.

ttb/09/10

The figure "50%" occurring in paragraph 1 of the judgment dated 09.10.2015 in W.A. 2219/2015 is corrected as "80%", vide order dated 19.10.2015 in I.A. No.1384/2015 in W.A. No.2219/20915.

Sd/-
Registrar (Judicial)