

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 6750 of 2007 (C)

PETITIONER:

**V.P. OMKUMAR, AGED 48,
S/O.LATE P.VISWALAKSHMI,
VISWABHAVAN, BEACH ROAD
ALLEPPEY.**

BY ADV. SRI.N.RATHEESH

RESPONDENTS:

- 1. THE SPECIAL TAHSILDAR (LA) RAILWAY,
ALLEPPEY.**
- 2. THE DISTRICT COLLECTOR,
ALLEPPEY.**
- 3. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, LOCAL ADMINISTRATION, SECRETARIAT
THIRUVANANTHAPURAM.**

**R1 TO R3 BY SR. GOVERNMENT PLEADER SRI. THOMAS JOHN
AMBOOKEN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE NOTICE DATED 5.5.1984 IN RESPECT OF L.A. NO. 14/84-85 OF THE 1ST RESPONDENT**
- P2 : COPY OF THE NOTICE DATED 5.5.1984 IN RESPECT OF L.A. NO. 9/84-85 OF THE 1ST RESPONDENT**
- P3 : COPY OF THE NOTICE DATED 5.5.1984 IN RESPECT OF L.A. NO. 4/84-85 OF THE 1ST RESPONDENT**
- P4 : COPY OF THE AWARD DATED 4.12.1986 IN L.A. NO. 99/94-85 OF THE 1ST RESPONDENT**
- P5 : COPY OF THE REPRESENTATION OF THE PETITIONER DATED 9.2.1993 SENT BY THE PETITIONER TO THE 1ST RESPONDENT**
- P6 : COPY OF THE REPRESENTATION OF THE PETITIONER DATED 10.08.2001 SUBMITTED TO THE 1ST RESPONDENT**
- P7 : COPY OF THE REPRESENTATION OF THE PETITIONER DATED 25.1.2003 SUBMITTED TO THE 1ST RESPONDENT**
- P8: COPY OF THE SAID LETTER NO. G3.4412/03 DATED 23.11.2004 IS PRODUCED HEREWITH AND MARKED AS EXHIBIT P8**
- P9: COPY OF THE REPRESENTATION DATED 2.1.2005 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V.CHITAMBARESH,J.

W.P.(C) No.6750 of 2007

Dated this the 21st day of May, 2015

J U D G M E N T

It is conceded in the counter affidavit dated 11.12.2007
filed by the second respondent as follows:-

“7. Since the landowner has filed the reference application in time, the Land Acquisition Officer is duty bound to refer the Section 18 application to the Sub Court, Alappuzha since this has not been done. I most humbly submit before the Honourable court to direct the Special Tahsildar (Land Acquisition) General, Alappuzha who is the Land Acquisition Officer in charge of the Land Acquisition file and reference application to refer the application u/s. 18 to the Sub Court, Alappuzha.”

2. The counter affidavit also reflects that the application under Section 18 of the Land Acquisition Act was filed in time. The said application was filed within 19 days from the date of receiving notice under Section 12(2) of the Land Acquisition Act. Therefore the Special Tahsildar (Land Acquisition) General, Alappuzha is directed to do the needful.

The application for reference shall be allowed and the matter referred to the Court of the Subordinate Judge of Alappuzha. The same shall be done within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

**V.CHITAMBARESH
JUDGE**

DCS