

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 467 of 2014 (G)

PETITIONER(S):

JAMES FRANCIS, AGED 45 YEARS
S/O. FRANCIS, KEERiyATH HOUSE, PERAMBRA
POTTA P.O., THRISSUR DISTRICT.

BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA

RESPONDENT(S):

1. CHALAKUDY MUNICIPALITY
MUNICIPAL OFFICE, CHALAKUDY, THRISSUR DISTRICT
PIN-680307, REPRESENTED BY ITS SECRETARY.
2. SPECIAL TAHSILDAR (LA)
OFFICE OF THE SPECIAL TAHSILDAR (LA)
THRISSUR CORPORATION, THRISSUR, PIN-680001.

R1 BY ADV. SRI.SHEEJO CHACKO, SC, CHALAKUDY MUNICIPALITY
R2 BY ADV. GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE SALE DEED NO. 4691/2007 DATED 16-7-2007.

EXHIBIT P2- TRUE COPY OF THE SALE DEED NO. 4776/2007 DATED 20-07-2007.

EXHIBIT P3- TRUE COPY OF THE REPRESENTATION DATED 11-6-2010 FILED BY THE
PETITIONER BEFORE THE DISTRICT COLLECTOR.

EXHIBIT P4- TRUE COPY OF THE LETTER DATED 20-06-2013 OF THE OFFICE OF 2ND
RESPONDENT TO THE PETITIONER.

EXHIBIT P5- TRUE COPY OF THE REPRESENTATION DATED 20-08-2013 FILED BY
THE PETITIONER BEFORE THE RESPONDENTS.

RESPONDENT(S)' EXHIBITS

EXT.R1(a) THE COPY OF CERTIFICATE OF MERIT.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.467 of 2014

Dated this the 2nd day of March, 2015

J U D G M E N T

The notifications under Section 4(1) of the Land Acquisition Act, 1894 were published thrice. The last occasion was on 5.3.2013 and more than one year has elapsed since then. A declaration under Section 6 of the Land Acquisition Act, 1884 should have been made on or before 4.3.2014. This is the mandate of proviso (2) to Section 6 of the Land Acquisition Act, 1894.

2. No declaration under Section 6 of the Land Acquisition Act, 1894 has hitherto been made. More than one year has elapsed since the date of notification under Section 4(1) on 5.3.2013. The proceedings under the Land acquisition Act, 1894 have obviously lapsed. The respondents cannot therefore continue the proceedings under the Land Acquisition Act, 1894.

3. It is made clear that the proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 can be invoked if there are good and valid grounds for the same. No costs.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.