

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 3736 of 2013 (N)

PETITIONER:

**CHORAKKAT JANAKI
W/O.MUTTIL KUHIKANNAN,
AGED 63 YEARS, PERINGOME AMSOM DESOM, PO NHEKLY
PAYYANNUR VIA, KANNUR DISTRICT.**

BY ADV. SRI.VN.RAMESAN NAMBISAN

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, KANNUR
KANNUR, PIN 670 001.**
- 2. THE SPECIAL TAHSILDAR(L.A)
NAVAL ACADEMY, PAYYANNUR
PRESENTLY OFFICE AT THALASSERY, PIN 670 141.**

BY GOVERNMENT PLEADER SRI. T. R. RAJESH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF APPLICATION DATED 24/4/1998 UNDER SECTION 28A OF THE LAND ACQUISITION ACT SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

EXHIBIT P2 TRUE COPY OF THE REJECTION ORDER NO.DDIS/C.582/5 DATED 24/3/2009 ISSUED BY THE 2ND RESPONDENT

EXHIBIT P3 TRUE COPY OF APPLICATION DATED 5/5/2009 UNDER SECTION 28A(3) OF THE LAND ACQUISITION ACT SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS:-

ANNEXURE R2(a) COPY OF THE ORDER DATED 02.05.2009 ISSUED BY THE SPECIAL TAHSILDAR (LA), PAYYANNUR

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 3736 OF 2013

Dated this the 24th day of February, 2015

JUDGMENT

Ext. P1 application filed for redetermination of compensation under Section 28A of the Land Acquisition Act 1894 has been rejected by Ext. P2 order. The only reason stated therein is that such a redetermination cannot be had on the basis of a revised judgment. This view is palpably wrong in view of the authoritative pronouncement of the Supreme Court on the issue.

2. Ext. P2 order is accordingly quashed and the second respondent is directed to reconsider Ext. P1 application as per law. The same shall be done with notice to the petitioner within a period of two months.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS