

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 4254 of 2011 (F)

PETITIONER:

THAYALE PURAYIL SREEDEVI,
W/O. LATE MOUVANAL KUNHIRAMAN,
KANDOTH POST, VELLUR VILLAGE,
PAYYANNUR, KANNUR DISTRICT.

BY ADVS. SRI. SERGI JOSEPH THOMAS
SRI. K.M. AUGUSTINE

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
KANNUR - 670001.
2. THE SPECIAL TAHSILDAR (L.A.),
EZHIMALA NAVAL ACADEMY
PAYYANNUR - 670 301.
3. THE SPECIAL TAHSILDAR (L.A., GENERAL),
THALASSERY - 670 314.

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE 28A APPLICATION DATED 26.05.1995 FILED BY THE TITLE HOLDER.
- EXHIBIT P2 : TRUE COPY OF THE 28A APPLICATION DATED 11.05.1998 FILED BY THE TITLE HOLDER.
- EXHIBIT P3 : TRUE COPY OF THE IMPEADING PETITION DATED 14.02.2001 FILED BY THE PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE STATEMENT DATED 14.03.2006 FILED BY THE PETITIONER.
- EXHIBIT P5 : TRUE COPY OF THE PROCEEDINGS NO. D.DIS. C346. DATED 02.05.2009.
- EXHIBIT P6 : TRUE COPY OF THE 28A(3) APPLICATION DATED 28.05.2009 FILED BY THE PETITIONER.
- EXHIBIT P7 : TRUE COPY OF THE NOTICE NO. D. 1385/2009 DATED 18.11.2009.
- EXHIBIT P8 : TRUE COPY OF THE REPLY DATED 26.11.2009 SUBMITTED THE PETITIONER.
- EXHIBIT P9 : TRUE COPY OF THE PROCEEDINGS NO. D. 1385/09/D.DIS. DATED 13.01.2010.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 4254 OF 2011

Dated this the 24th day of March, 2015

JUDGMENT

The issue is covered by the decision in **Aboobacker Vs. District Collector [2011 (3) KLT 822]**. Therefore Ext.P9 order rejecting the application under Section 28A(3) of the Land Acquisition Act is set aside.

2. The third respondent shall reconsider Ext.P6 application in accordance with law. The judgment in **District Collector Vs. Muhammed Kunhi [2012(4) KLT 360]** shall be adverted to in the exercise.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd