

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 5489 of 2010 (Y)

PETITIONER:

KODAKKAL KIZHAKKE VEETIL JANAKI AMMA,
RAMANTHALI AMSOM, P.O.RAMANTHALI,
PAYYANNUR, KANNUR DISTRICT.

BY ADVS.SRI.M.SASINDRAN
SRI.M.V.BIPIN

RESPONDENTS:

1. THE SPECIAL TAHSILDAR (LA),
EZHIMALA NAVAL ACADEMY,
PAYYANNUR, KANNUR DISTRICT.

2. THE DISTRICT COLLECTOR,
KANNUR.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF THE NOTICE DATED 01.02.2001 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2 : A TRUE COPY OF THE NOTICE DATED 16.02.2004 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P3 : A TRUE COPY OF THE NOTICE DATED 11.07.2008 WITH NO. C. 1522/05 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P4 : A TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER DATED 17.07.2008 IN REPLY TO EXHIBIT P3.
- EXHIBIT P4(a) : A TRUE COPY OF THE JUDGMENT IN LAR NO. 98/92 OF THE SUB COURT, PAYYANNUR
- EXHIBIT P5 : A TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 18.09.2008
- EXHIBIT P6 : A TRUE COPY OF THE APPLICATION MADE BY THE PETITIONER UNDER SECTION 28a (3) OF THE LAND ACQUISITION ACT BEFORE THE 1ST RESPONDENT
- EXHIBIT P7 : A TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT VIDE D.DIS.1649/08/D DATED 03.04.2009.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 9th day of March, 2015

JUDGMENT

The applications put in under Sections 28A(1) and 28A(3) of the Land Acquisition Act have been dismissed solely on the ground that it is not supported by a certified copy of the judgment relied on. The petitioner had only produced a photocopy of the judgment relied on and seeks an opportunity to produce the original certified copy.

2. I do feel that an opportunity should be extended to the petitioner to produce the certified copy of the judgment on the basis of which the applications under Sections 28A(1) and 28A(3) of the Land Acquisition Act are filed. I quash Exts.P5 and P7 orders and direct the first respondent to reconsider the issue after affording to the petitioner an opportunity to produce the certified copy of the judgment relied on.

3. The petitioner shall produce a copy of the writ petition and the judgment before the first respondent for compliance.

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The first respondent shall pass final orders 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**

ncd