

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 2608 of 2015 (A)

PETITIONER:

**SARASWATHI AMMA
R/AT TC NO/36/1259 (OLD), 73/1906(NEW), SNRWA - 33
SUBASH NAGAR, VALLAKKADAVU P.O., TRIVANDRUM - 695 008.**

**BY ADVS.SRI.A.AHZAR
SRI.KABEER.S**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE
GOVT.SECRETARIAT, THIRUVANANTHAPURAM - 1.**
- 2. DISTRICT COLLECTOR
COLLECTORATE, THIRUVANANTHAPURAM - 695 001**
- 3. DEPUTY COLLECTOR (L.A),
COLLECTORATE, THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 2608 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE NOTICE UNDER SECTION 9(3) OF THE LAND ACQUISITION ACT.

EXT.P-2: TRUE COPY OF THE NOTICE DATED 25.10.2007

EXT.P-3: TRUE COPY OF THE AWARD NOTICE DATED 25.10.2007

EXT.P-4: TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT BY THE OFFICE OF 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 2608 OF 2015

Dated this the 03rd day of March, 2015

JUDGMENT

The writ petition has been filed seeking a reference under Section 18 of the Land Acquisition Act, 1894. The third respondent has filed a statement reflecting the details of reference. It is reported that L.A.R. No. 667/2008 was referred to the Court of the Subordinate Judge of Thiruvananthapuram on 17.10.2008.

2. It appears that L.A.R. No. 667/2008 was dismissed for non-representation on 06.09.2010. It is trite law that such applications have to be dealt with on merits only. Reference applications cannot be dismissed for default as has been done in the instant case. I therefore permit the petitioner to move the same court for re-opening L.A.R. No. 667/2008.

3. The Court of the Subordinate Judge of Thiruvananthapuram shall endeavour to dispose of L.A.R.

No. 667/2008 on merits. The needful shall be done within a period of three months from the date of motion made by the petitioner.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS