

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 2974 of 2015 (V)

PETITIONER(S)/PETITIONERS:

1. A.X.GILBERT, AGED 57 YEARS
S/O.XAVIER, ANJIPARAMBIL HOUSE, CBI ROAD
KALOOR P.O., ERNAKULAM, PIN - 682 017.
2. A.X.EDWIN, AGED 57 YEARS
S/O.XAVIER, ANJIPARAMBIL HOUSE, CBI ROAD
KALOOR P.O., ERNAKULAM, PIN - 682 017.
3. ABRAHAM GODFREY, AGED 60 YEARS
S/O.XAVIER, ANJIPARAMBIL HOUSE, CBI ROAD
KALOOR P.O., ERNAKULAM, PIN - 682 017.
4. A.X.LESLIE, AGED 63 YEARS
S/O.XAVIER, ANJIPARAMBIL HOUSE, CBI ROAD
KALOOR P.O., ERNAKULAM, PIN - 682 017.
5. SANTHOSH XAVIER
S/O.XAVIER, ANJIPARAMBIL HOUSE, CBI ROAD
KALOOR P.O., ERNAKULAM, PIN - 682 017.
6. JUDE XAVIER
S/O.XAVIER, ANJIPARAMBIL HOUSE, CBI ROAD
KALOOR P.O., ERNAKULAM, PIN - 682 017.
7. FRANKLIN CHELLATH, AGED 70 YEARS
S/O.XAVIER, ANJIPARAMBIL HOUSE, CBI ROAD
KALOOR P.O., ERNAKULAM, PIN - 682 017.

BY ADVS.SRI.P.B.KRISHNAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE
SRI.P.M.NEELAKANDAN
SRI.S.NITHIN (ANCHAL)

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
LOCAL ADMINISTRATION AND TOWN PLANNING DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. GREATER COCHIN DEVELOPMENT AUTHORITY
REPRESENTED BY ITS SECRETARY, KADAVANTHARA
PIN - 682 020.
3. SPECIAL TAHASILDAR (LA)
GREATER COCHIN DEVELOPMENTAL AUTHORITY, KADAVANTHARA
PIN - 682 020.

R2 BY ADV. SRI.C.A.MAJEED, GREATER COCHIN DEVELOPMENT AUTHORITY
R BY GOVERNMENT PLEADER SRI.T.R.RAJESH.
R BY SRI.C.A.MAJEED, GREATER COCHIN DEVELOPMENT AUTHORI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE AWARD NO. 6/89 DATED 29/04/1989 PASSED BY
RESPONDENT NO.3.

EXT.P2: TRUE COPY OF THE AWARD NO. 7/89 DATED 29/04/1989 PASSED BY
RESPONDENT NO.3.

EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 05/05/2014 ALONG WITH THE
POSTAL RECEIPT.

EXT.P4: TRUE COPY OF THE REMINDER LETTER DATED 08/10/2014 ALONG WITH
THE POSTAL RECEIPT AND THE ACKNOWLEDGMENT CARD.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.2974 of 2015

Dated this the 6th day of April, 2015

J U D G M E N T

The writ Petition is bereft of necessary details as regards the total amount awarded in LAR.Nos.274/1990 and 275/1990 and the amount hitherto received. The only averment is that a balance of ₹ 21,72,590/- with interest is due in LAR.No.74/1970 and a balance amount of ₹ 6,91,134/- with interest is due in LAR.No.275/1990. This is belied by Exts.R2A, R2C and R2D produced along with counter affidavit of the second respondent.

2. The petitioners would have pursued execution proceedings if really amounts are still due under the Awards referred to above. The Execution Petitions were terminated about a decade ago and no proceedings under Section 47 of the Code of Civil Procedure in relation to the Execution, Discharge or satisfaction of the Decrees have been initiated.

3. The writ petitioners are also guilty of suppression of many material facts as regards the litigations filed earlier. The filing of OP.No.2895/1994, WA.Nos.1965/1999 and 2032/1999 and

W.P.(C) No.18437/2008 are suppressed.

4. The petitioners have admittedly pocketed a sizeable portion of the compensation amount awarded. The petitioners cannot invoke Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 even if any more amount is realisable.

5. I would have awarded compensatory costs while dismissing the writ petition which is frivolous in nature. I however refrain from doing so. The writ Petition is accordingly dismissed.

Sd/-
V.CHITAMBARESH,
Judge.

nj.