

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 3153 of 2015 (T)  
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PETITIONERS:  
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1. ANTONY, NELPURACKAL,  
KARUVATTA VADAKKUM MURI,  
ALAPPUZHA DISTRICT.
2. JOSEPH MATHEW, NELPURACKAL ,  
KARUVATTA NORTH, ALAPPUZHA DISTRICT.
3. MATHEW MATHAI, NELPURACKAL,  
KARUVATTA NORTH, ALAPPUZHA DISTRICT.
4. ZACHARIYAH CHERUVELIL,  
KARUVATTA NORTH, ALAPPUZHA DISTRICT.
5. MATHEW SEBASTIAN, PLAPUZHA,  
KARUVATTA NORTH, ALAPPUZHA DISTRICT.
6. THOMAS PUTHEN CHIRAYIL  
KARUVATTA NORTH, ALAPPUZHA DISTRICT.
7. SIVARAMAN NAIR, THOPPIL,  
KARUVATTA NORTH, ALAPPUZHA DISTRICT.
8. VENUGOPALA KURUP, PONNADATHU,  
KARUVATTA NORTH, ALAPPUZHA DISTRICT.
9. CHELLAMMA, PLAMMOOTTIL, THEKKATHIL,  
KARUVATTA NORTH, ALAPPUZHA DISTRICT.
10. GANESHAN, PALMMOTTIL, THEKKATHIL,  
KARUVATTA NORTH, ALAPPUZHA DISTRICT.
11. AJAYAKUMAR D, SARASWATHY BHAVANAM,  
KUNNUMMA, THAKAZHY PO, ALAPPUZHA DISTRICT.
12. MUHAMMAD BASHEER, KANNANKARA,  
KUNNUMMA, THAKAZHY P.O.,  
ALAPPUZHA DISTRICT.

13. ANILKUMAR, AMBATTUVEEDU,  
KUNNUMMA, THAKAZHY P.O.,  
ALAPPUZHA DISTRICT.
14. SHOBHA, NADUVILEKALLISSERY  
KUNNUMMA, THAKAZHY PO,  
ALAPPUXZHA DISTRICT.
15. KABEER, THUNDIPARAMBU,  
KUNNUMMA, THAKAZHY P.O.,  
ALAPPUZHA DISTRICT.
16. SINDHU K.N., KANNEKKONNIL,  
KUNNUMMA, THAKAZHY P.O.,  
ALAPPUZHA DISTRICT.
17. VASUDEVAN PILLAI, JAYANIVAS,  
KUNNUMMA, THAKAZHY P.O.,  
ALAPPUZHA DISTRICT.
18. LEELAMMA, PATHINALIL HOUSE,  
KUNNUMMA, THAKAZHY PO,  
ALAPPUZHA DISTRICT.
19. SARASWATHY ANTHARJANAM,  
NAREEPATTA LLAM, KUNNUMMA,  
THAKAZHY P.O., ALAPPUZHA DISTRICT.
20. SUKUMARAN ACHARI, CHERUKOTTU,  
KUNNUMMA, THAKAZHY P.O.,  
ALAPPUZHA DISTRICT.
21. UDAYAKUMAR, ABHIRAMAM,  
THAKAZHY PO, ALAPPUZHA DISTRICT
22. AMMINIKUTTY, THYCHIRA,  
THALAVADY, ALAPPUZHA DISTRICT.
23. AJITHKUMAR, ANANDAMANDIRAM,  
THAKAZHI P.O., ALAPPUZHA DISTRICT.

BY ADVS.SRI.P.SREEKUMAR  
SRI.S.PRASANTH  
SRI.SOORAJ T.ELENJICKAL  
SRI.P.A.MOHAMMED SHAH  
SRI.B.PRASANTH  
SRI.T.S.SARATH  
SMT.P.M.MAZNA MANSOOR

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY  
ITS PRINCIPAL SECRETARY, TRANSPORT DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM PIN-695001.
2. ADDITIONAL CHIEF SECRETARY, REVENUE DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM PIN-695001.
3. THE DISTRICT COLLECTOR,  
ALAPPUZHA PIN-690 502
4. THE SPECIAL TAHASILDAR,  
LAND ACQUISITION (RAILWAYS)  
KAYAMKULAM PIN-590502
5. THE DIVISIONAL MANAGER,  
SOUTHERN RAILWAY,  
THIRUVANANTHAPURAM, PIN- 695 001.

R5 BY ADV. SRI.C.S.DIAS,SC, RAILWAYS  
BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-03-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

- EXHIBIT P1 : A TRUE COPY OF THE NOTICE ISSUED UNDER RULE 7(2) OF THE  
LAND ACQUISITION (KERALA) RULES ON 16.2.2011 BY THE 4TH  
RESPONDENT
- EXHIBIT P2 : A TRUE COPY OF THE JUDGMENT IN WPC NO.24626/2012
- EXHIBIT P3 : A TRUE COPY OF ONE OF THE PETITION SUBMITTED BEFORE THE  
4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

**V. CHITAMBARESH, J**

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**WP(C) NO. 3153 OF 2015**  
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Dated this the 25<sup>th</sup> day of March, 2015

**JUDGMENT**

The amount of compensation tentatively fixed by the third respondent District Collector shall immediately be disbursed to the petitioners. This however will be without prejudice to the right of the petitioners for determination of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. All other contentions are left open.

2. Nothing has been brought to my notice to show that an award has been passed in terms of Section 11 of the Land Acquisition Act, 1894 which cannot be done now also. The right of the petitioner under Section 24(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is therefore preserved.

The Writ Petition is disposed of.

**V. CHITAMBARESH  
JUDGE**