

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 3182 of 2015 (W)

PETITIONERS:

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1. MR. T.S. SAJAN, AGED 51, S/O. T.D. SEBASTIAN,
THOTTUNKAL HOUSE, VELLAPPADU KARA,
LALAM VILLAGE, MEENACHIL TALUK, PALA P.O.,
KOTTAYAM DISTRICT, PIN 686 575
 2. MR. T.S. SAJU, AGED 46, S/O. T.D. SEBASTIAN,
THOTTUNKAL HOUSE, VELLAPPADU KARA,
LALAM VILLAGE, MEENACHIL TALUK, PALA P.O.,
KOTTAYAM DISTRICT, PIN 686 575

BY ADVS. SRI. SAIGI JACOB PALATTY
SRI. K.D. ZACHARIAS
SMT. ANU S. NAIR

RESPONDENTS:

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1. THE LAND ACQUISITION OFFICER,
COLLECTORATE, KOTTAYAM 686 001.
 2. THE TREASURY OFFICER,
GOVERNMENT TREASURY, KOTTAYAM 686 001.
 3. THE VILLAGE OFFICER
LALAM VILLAGE, KOTTAYAM 686 001.
 4. THE DISTRICT COLLECTOR
KOTTAYAM 686 001.

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 : TRUE PHOTOCOPY OF THE SETTLEMENT DEED NO.270/1957 IN FAVOUR OF THE FATHER OF THE PETITIONERS
- EXT P2 : TRUE COPY OF THE LAND TAX RECEIPT DATED 13.01.1992 IN FAVOUR OF THE FATHER OF THE PETITIONERS
- EXT P3 : THE TRUE COPY OF THE WILL DATED 10.11.1988 EXECUTED BY THE FATHER OF THE PETITIONERS
- EXT P4 : THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER IDENTIFYING TD.SEBASTIAN AND DEVASSY S/O.. DEVASSIA IS ONE AND THE SAME PERSON
- EXT P5 : THE TRUE COPY OF THE LAND TAX RECEIPT DATED 26.11.2013 IN FAVOUR OF THE PETITIONERS
- EXT P6 : THE TRUE COPY OF THE POSSESSION CERTIFICATE DATED 30.11.2013 ISSUED BY THE VILLAGE OFFICER IN FAVOUR OF THE PETITIONERS
- EXT P7 : TRUE COPY OF THE NOTICE UNDER RULE 15(3) OF LAND ACQUISITION ACT IN RESPECT OF PROPERTY IN RE-SERVEY NO.35/15-1
- EXT P8 : TRUE COPY OF THE NOTICE UNDER RULE 15(3) OF LAND ACQUISITION ACT IN RESPECT OF PROPERTY IN RE-SERVEY NO.35/52-1
- EXT P9 : TRUE COPY OF THE NOTICE UNDER 13(2) OF THE ACT STATING THAT THE AMOUNT AWARDDDED HAS BEEN DEPOSITED
- EXT P10 : TRUE COPY OF THE NOTICE UNDER 13(2) OF THE ACT STATING THAT THE AMOUNT AWARDED HAS BEEN DEPOSITED
- EXT P11 : TRUE COPY OF THE MAHAZAR IN TAKING POSSESSION OF THE PROPERTY IN RE-SURVEY NO.35/52-1
- EXT P12 : TRUE COPY OF THE MAHAZAR IN TAKING POSSESSION OF THE PROPERTY IN RE-SERVEY NO.35/15-1
- EXT P13 : TRUE COPY OF THE NOTICE UNDER SECTION 12(2) OF THE ACT TO DIRECTING TO RECEIVE THE AMOUNT IN RESPECT OF PROPERTY IN SURVEY NO.35/9-1
- EXT P14 : TRUE COPY OF THE MAHAZAR IN TAKING POSSESSION OF THE PROPERTY IN RE-SURVEY NO.35/9-1
- EXT P15 : TRUE COPY OF THE PARTITION DEED NO.2257/2014 BETWEEN THE PETITIONERS
- EXT P16 : TRUE COPY OF THE LAND TAX RECEIPT DATED 29.11.2014 IN FAVOUR OF THE 1ST PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 3182 OF 2015

Dated this the 20th day of February, 2015

JUDGMENT

The Government Pleader points out that the award amount is retained as court deposit and put in the treasury since the petitioners could not substantiate their title of the property acquired. It is open to the petitioners to move the reference court - Sub Court, Pala - in terms of Section 31(2) of the Land Acquisition Act, 1894. The reference court shall decide the entitlement of the petitioners to receive the compensation amount after notice to other interested persons if any. Any motion made within one month from today shall be dealt with by the reference court within three months therefrom.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd