

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 3228 of 2015

PETITIONER:

**THOMAS @ JOY JOSEPH, AGED 52 YEARS
S/O.JOSEPH, THEKKEPPARAMBIL HOUSE
VALLIKKADU, ETTUMANOOR P.O, KIZHAKKUMBHAGOM KARA
ETTUMANOOR VILLAGE, KOTTAYAM TALUK.**

**BY ADVS.SRI.LIJL.J.VADAKEDOM
SRI.RAJEEV JYOTHISH GEORGE**

RESPONDENT:

**THE SPECIAL TAHSILDAR
LAND ACQUISITION (GENERAL),
KOTTAYAM 686 001**

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - THE COPY OF THE AWARD NO.213-14(58NLA) DATED 30-8-2014 PASSED BY THE RESPONDENT.**
- EXT.P1(A) - THE COPY OF THE AWARD NO.3/13-14(36NLA) DATED 29-8-2014 PASSED BY THE RESPONDENT**
- EXT.P1(B) - THE COPY OF THE AWARD NO.1/13-14(57NLA) DATED 30-08-2014 PASSED BY THE RESPONDENT**
- EXT.P2 - THE COPY OF THE NOTICE DATED 11/2014 IN LAC 58NLA ISSUED BY THE RESPONDENT**
- EXT.P2(A) - THE COPY OF THE NOTICE DATED 11/2014 IN LAC 36NLA ISSUED BY THE RESPONDENT**
- EXT.P2(B) - THE COPY OF THE NOTICE DATED 11/2014 IN LAC 57NLA ISSUED BY THE RESPONDENT**
- EXT.P3 - THE COPY OF THE SECTION 9 PETITION DATED 22-1-2013 FILED BY THE PETITIONER BEFORE THE RESPONDENT IN LACS 36,57 AND 58**
- EXT.P4 - THE COPY OF THE REFERENCE APPLICATION DATED 6-12-2014 FILED BY THE PETITIONER AGAINST THE AWARD NO.1/13-14 (58NLA) DATED 30-8-2014**
- EXT.P4(A) - THE COPY OF THE REFERENCE APPLICATION DATED 29-11-2014 FILED BY THE PETITIONER AGAINST THE AWARD NO.3/13-14 (36NLA)**
- EXT.P4(B) - THE COPY OF THE REFERENCE APPLICATION DATED 6-12-2014 FILED BY THE PETITIONER AGAINST THE AWARD NO.1/13-14 (57NLA) DATED 30-8-2014**
- EXT.P5 - THE COPY OF THE JUDGMENT DATED 20-12-2014 IN WPC.NO.34685/2014 BEFORE THE HONOURABLE HIGH COURT OF KERALA**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 3228 OF 2015

Dated this the 23rd day of February, 2015

JUDGMENT

Heard the counsel for the petitioner and also the Government Pleader.

2. Ext. P1 series awards could not have been passed under the Land Acquisition Act, 1894 after the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. But then the compensation amount has already been received by the petitioner and the possession of the land has also taken long back for the widening of a road.

3. Interest of justice would be met by setting aside Ext. P1 series awards and directing the respondent to pass awards anew under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The respondent shall retain the land and the amount already paid to the petitioner shall be given credit to while determining the compensation afresh under the

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Ext. P1 series awards are quashed subject to the above.
The writ petition is allowed. No costs.

**V. CHITAMBARESH
JUDGE**

DCS