

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE V.CHITAMBARESH**

**WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936**

**WP(C).No. 3517 of 2015 (L)**  
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**PETITIONER:**  
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**DR.LITTA SUSAN IVAN, AGED 61 YEARS  
D/O.LATE MARIAM JOHN & KOSHY JOHN, HOUSE NO.7  
GIRINAGAR, KADAVANTHRA P.O., KOCHI 682020  
NOW RESIDING ATTHOTTATHIL HOUSE  
TUET KOLLAM-691001.**

**BY ADVS.SRI.K.S.BABU  
SMT.N.SUDHA  
SRI.K.S.GOPI  
SRI.VIPIN VISWAN  
SRI.BABU SHANKAR  
SRI.K.V.WINSTON**

**RESPONDENTS:**  
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- 1. STATE OF KERALA  
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. SPECIAL TAHSILDAR (LA NO.1)  
KOCHI METRO RAIL PROJECT, CIVIL STATION, KAKKANAD  
COCHIN-682030.**
- 3. THE DISTRICT COLLECTOR  
ERNAKULAM, CIVIL STATION BUILDING, KAKKANAD  
COCHIN-682030.**
- 4. KOCHI METRO RAIL LTD  
8TH FLOOR REVENUE TOWER, PARK AVE, MARINE DRIVE  
ERNAKULAM, KERALA 682011  
REPRESENTED BY ITS MANAGING DIRECTOR.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI. GIKKU JACOB  
R4 BY SRI. JAJU BABU (SR.), SC, KOCHI METRO RAIL LTD.  
SMT.M.U.VIJAYALAKSHMI, SC, KOCHI METRO RAIL LTD.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**DCS**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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- EXHIBIT-P1: THE TRUE PHOTOSTAT COPY OF LEGAL HEIRSHIP CERTIFICATE DATED 11.7.2013 ISSUED BY THE TAHSILDAR, KANAYANNUR TALUK, COCHIN-11 TO THE PETITIONER.**
- EXHIBIT-P2: THE TRUE PHOTOSTAT COPY OF THE NOTIFICATION UNDER SECTION 4(1) OF THE LAND ACQUISITION ACT PUBLISHED BY THE 2ND RESPONDENT.**
- EXHIBIT-P3: THE TRUE PHOTOSTAT COPY OF NOTICE UNDER SECTION 9(3) OF THE LAND ACQUISITION ACT ISSUED BY THE 2ND RESPONDENT ON 28.02.2014.**
- EXHIBIT-P4: THE TRUE PHOTOSTAT COPY OF THE CLAIM STATEMENT SUBMITTED BY THE PETITIONER ALONG WITH HER TWO SISTERS TO THE RESPONDENT ON 14.03.2014.**
- EXHIBIT-P5: THE TRUE PHOTOSTAT COPY OF THE INTIMATION C9-73629/2013 DATED 07.10.2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER AS WELL AS TO HER TWO SISTERS.**
- EXHIBIT-P6: THE TRUE PHOTOSTAT COPY OF THE REPLY DATED 09.10.2014 ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT.**
- EXHIBIT-P7: THE TRUE PHOTOSTAT COPY OF THE LETTER DATED 15.01.2015 SENT BY THE PETITIONER TO THE DEPUTY COLLECTOR, KOCHI METRO RAIL PROJECT, KAKKANAD, ERNAKULAM.**
- EXHIBIT-P8: THE TRUE PHOTOSTAT COPY OF THE PRINTED FORMAT OF CONSENT LETTER GIVEN BY THE 2ND RESPONDENT TO THE PETITIONER.**

**RESPONDENT(S)' EXHIBITS:- NIL**

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**/TRUE COPY/**

**P.A. TO JUDGE**

**V. CHITAMBARESH, J**

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**W.P.(C). NO. 3517 OF 2015**  
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Dated this the 04<sup>th</sup> day of February, 2015

**JUDGMENT**

The complaint is that the property of which the petitioner is a co-owner is being acquired for the Kochi Metro Rail Limited without paying any compensation. The respondents submit that the petitioner is free to receive the compensation as fixed by the District Level Purchasing Committee. It is clarified that the receipt of the amount would be without prejudice to the right of the petitioner for enhancement of the compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The petitioner shall present herself before the second respondent at 11.A.M. on 09.02.2015 with necessary documents to receive the compensation after signing the requisite agreement.

The writ petition is disposed of.

**V. CHITAMBARESH  
JUDGE**

DCS