

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 3660 of 2015 (F)

PETITIONER:

1. BIJU P. THOMAS, S/O. THOMAS BABY,
ROSE VILLA, ULLOOR,
THIRUVANANTHAPURAM - 695 011.
2. REBECCA THOMAS, W/O. BIJU P. THOMAS
ROSE VILLA, ULLOOR,
THIRUVANANTHAPURAM - 695 011.
3. IYPE JOSEPH, S/O. LATE I. JOSEPH,
ROSE VILLA, ULLOOR,
THIRUVANANTHAPURAM - 695 011.

BY ADVS.SRI.R.RAM MOHAN
SRI.ANOOP BHASKAR

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
THE SECRETARY, BOARD OF REVENUE,
THIRUVANANTHAPURAM - 695 001.
2. THE DEPUTY COLLECTOR (L.A.), COLLECTORATE,
CIVIL STATION, KUDAPPANAKKUNNU,
THIRUVANANTHAPURAM - 695 001.

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF REPRESENTATION, DATED 14.02.2007 MADE BY THE 1ST PETITIONER.
- EXHIBIT P1(a) : TRUE COPY OF REPRESENTATION DATED 14.02.2007 MADE BY THE 3RD PETITIONER.
- EXHIBIT P2 : TRUE COPY OF THE NOTICE OF AWARD DATED 23.07.2007 IN LAC NO. 381/2006.
- EXHIBIT P3 : TRUE COPY OF APPLICATION FOR REFERENCE TO COURT UNDER SECTION 18(1) DATED 25.08.2007 MADE BY PETITIONERS 1 & 2 JOINTLY.
- EXHIBIT P3(a) : TRUE COPY OF APPLICATION FOR REFERENCE TO COURT UNDER SECTION 18(1) DATED 07.09.2007 MADE BY THE 3RD PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE APPLICATION DATED 07.07.2014 MADE BY MR. SUNIL KUMAR.
- EXHIBIT P5 : TRUE COPY OF THE REPLY LETTER DATED 30.07.2014 FROM THE PUBLIC INFORMATION OFFICER AND JUNIOR SUPERINTENDENT (K) SECTION.
- EXHIBIT P6 : TRUE COPY OF REPRESENTATION DATED 16.12.2014 MADE BY THE 3RD PETITIONER.
- EXHIBIT P6(a) : TRUE COPY OF REPRESENTATION DATED 16.12.2014 MADE by the 3RD PETITIONER.
- EXHIBIT P7 : TRUE COPY OF THE LETTER DATED 01.01.2015 ISSUED BY THE RESPONDENT

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 3660 OF 2015

Dated this the 25th day of February, 2015

JUDGMENT

The Government Pleader on instructions submits that Ext.P3 series applications allegedly filed under Section 18 of the Land Acquisition Act, 1894 are not traceable. Only Ext.P6 series representations sent as reminders seven years after have been traced.

2. It is however reported that a revised award has been passed on 20.12.2014 in LAR No. 735/2009 - Sub Court, Thiruvananthapuram. The petitioners are free to invoke Section 28A of the Land Acquisition Act, 1894 since the property is covered by the same notification.

The Writ Petition is hence disposed of without prejudice to the right of the petitioners to seek redetermination of the compensation under Section 28A of the Land Acquisition Act, 1894.

**V. CHITAMBARESH
JUDGE**

ncd