

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 4129 of 2015 (M)

PETITIONER:

ROSE MARY JOSE, AGED 55 YEARS, W/O. JOSE,
PERMANENT RESIDENT OF NEDUMPURATH HOUSE,
PAINGATOOR P.O., KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT - 686 671.

BY ADVS. SRI. N. SUBRAMANIAM
SRI. M. S. NARAYANAN
SMT. USHA NARAYANAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR, ERNAKULAM DISTRICT,
COLLECTORATE, THRIKKAKARA P.O., ERNAKULAM - 682 021.
2. THE DEPUTY COLLECTOR (LA), KOCHI METRO RAIL PROJECT,
CIVIL STATION, KAKKANAD, ERNAKULAM - 682 021.
3. THE REVENUE INSPECTOR, OFFICE OF THE REVENUE INSPECTOR,
KANAYANNOOR TALUK, ERNAKULAM - 682 021.
4. KOCHI METRO RAILWAY CORPORATION,
REGISTERED OFFICE, 8TH FLOOR,
REVENUE TOWER, PARK AVENUE, KOCHI - 682 011
REPRESENTED BY ITS MANAGING DIRECTOR.

BY SPECIAL GOVERNMENT PLEADER SRI. TOM K THOMAS
BY SMT. M. U. VIJAYALAKSHMI, SC, KOCHI METRO RAIL LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE LEGAL HERISHIP CERTIFICATE DATED 11/07/2013.
- EXHIBIT P2 - TRUE COPY OF THE CERTIFICATE OF VALUATION DATED 26/08/2013.
- EXHIBIT P3 - TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 16/06/2014.
- EXHIBIT P4 - TRUE COPY OF THE LETTER DATED 25/09/2014 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P5 - TRUE COPY OF THE LETTER DATED 29/09/2014 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXHIBIT P6 - TRUE COPY OF THE POSSESSION CERTIFICATE DATED 03/10/2014.
- EXHIBIT P7 - TRUE COPY OF THE CERTIFICATE FOR PAYMENT OF UP TO DATE PAYMENT OF TAX DATED 14/10/2014.
- EXHIBIT P8 - TRUE COPY OF THE NON ATTACHMENT CERTIFICATE DATED 21/10/2014.
- EXHIBIT P9 - TRUE COPY OF THE CONSENT LETTER DATED 23/10/2014
- EXHIBIT P10 - TRUE COPY OF THE RECEIPT DATED 23/10/2014.
- EXHIBIT P11 - TRUE COPY OF THE KAICHIT DATED 23/10/2014.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 4129 OF 2015

Dated this the 19th 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 or his authorised representative shall present before the second respondent at 11 a.m. on 04.03.2015 with necessary documents to receive the compensation after signing the requisite agreement.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**