

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 4871 of 2015 (H)

PETITIONER:

C.I. ROSILY, W/O. VARKICHAN,
EDASSERY HOUSE, ALUVA,
ERNAKULAM DISTRICT.

BY ADVS. SRI. N.N. SUGUNAPALAN (SR.)
SRI. S. SUJIN

RESPONDENTS:

1. SPECIAL TAHSILDAR (LA),
KOCHI METRO RAIL PROJECTS,
CIVIL STATION, KAKKANAD, KOCHI-30.
2. DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD,
ERNAKULAM DISTRICT.
3. KOCHI METRO RAIL LTD. REPRESENTED BY
ITS MANAGING DIRECTOR, REGISTERED OFFICE,
8TH FLOOR, REVENUE TOWER,
PARK AVENUE, KOCHI-11.
4. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

R1, R 2, R 4 BY GOVERNMENT PLEADER SRI. TOM K. THOMAS
BY SMT. M.U. VIJAYALAKSHMI, SC, KOCHI METRO RAIL LTD.
BY SRI. JAJU BABU (SENIOR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-04-2015,
ALONG WITH WPC. 4480/2013, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- | | | |
|--------|---|--|
| EXT.P1 | - | TRUE COPY OF THE NOTICE ISSUED BY THE LAND ACQUISITION OFFICER DATED 20-12-2012 |
| EXT.P2 | - | TRUE COPY OF THE NOTICE ISSUED BY THE LAND ACQUISITION OFFICER DATED 20-12-2012 |
| EXT.P3 | - | TRUE COPY OF THE REPRESENTATION DATED 28-11-2012 FILED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, ERNAKULAM. |
| EXT.P4 | - | TRUE COPY OF THE PROPOSAL DATED 17-12-2012 WITH ALL DETAILS |
| EXT.P5 | - | TRUE COPY OF THE NOTIFICATION DATED 03-10-2013 |
| EXT.P6 | - | TRUE COPY OF THE NOTICE DATED 02-02-2015 ISSUED BY THE 1ST RESPONDENT |
| EXT.P7 | - | TRUE COPY OF THE NOTICE ISSUED BY TAHSILDAR DATED 28.03.2015. |

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

**WP(C) NOs. 4871 OF 2015
AND 4480 OF 2013**

Dated this the 7th day of April, 2015

JUDGMENT

The land acquisition is for the purpose of prestigious metro rail project. Emergency clause is evidently seen invoked. The notification dated 07.09.2013 under the Land Acquisition Act has been passed on. The property of the petitioner is ear marked for multi level car parking. This is the place from where the metro rail starts at Aluva.

2. The price fixed inclusive of 100% solatium comes to ₹25 lakhs per cent. 80% of the same would be disbursed to the petitioner. This is on the petitioner producing the documents of title and executing agreements. Its receipt would not prejudice the claim of the petitioner under the Right to Fair Compensation, Rehabilitation and Resettlement Act, 2013.

3. The property is now in the custody of the Special Tahsildar. The petitioner is free to remove the movables

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therefrom. The value of implements has already been assessed by KITCO. The possession has been taken after giving prior notice to the petitioner as well. Nothing survives in WP(C) No. 4480/2013 filed by the petitioner earlier.

The Writ Petitions are disposed of.

**V. CHITAMBARESH
JUDGE**

ncd