

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

**PRESENT:**

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

**THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936**

**WP(C).No. 5186 of 2015 (W)**  
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**PETITIONER:**  
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**SHAYIN ISMAIL  
S/O.KORAMBAYIL SHOWKATHALI, CHERAKKARA ROAD, MANJERI  
MALAPPURAM DISTT.**

**BY ADV. SRI.M.A.ABDUL HAKHIM**

**RESPONDENTS:**  
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- 1. STATE OF KERALA  
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT  
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR,  
MALAPPURAM DIST., MALAPPURAM.**
- 3. THE SPECIAL TAHSILDAR (LA),  
(GENERAL), MALAPPURAM.**

**BY GOVERNMENT PLEADER SRI. T. R.RAJESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**DCS**

**WP(C).No. 5186 of 2015 (W)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT P1- A PHOTOSTAT COPY OF THE REPRESENTATION SUBMITTED BY  
THE PETITIONER TO THE 2ND & 3RD RESPONDENTS.**

**EXHIBIT P2- A PHOTOSTAT COPY OF THE REPLY ISSUED BY THE 3RD  
RESPONDENT TO THE PETITIONER.**

**EXHIBIT P3- A PHOTOSTAT COPY OF THE NOTICE SENT BY THE 3RD  
RESPONDENT TO THE PETITIONER.**

**EXHIBIT P4- A PHOTOSTAT COPY OF THE GOVERNMENT ORDER ISSUED BY  
THE 1ST RESPONDENT.**

**EXHIBIT P5- A PHOTOSTAT COPY OF THE COMMON AWARD NO.2/2014 PASSED  
BY THE 3RD RESPONDENT.**

**EXHIBIT P6- A PHOTOSTAT COPY OF THE ORDER PASSED BY THE 3RD  
RESPONDENT.**

**EXHIBIT P7- A PHOTOSTAT COPY OF THE REPRESENTATION SUBMITTED BY  
THE PETITIONER TO THE RESPONDENTS 2 & 3.**

**RESPONDENT(S)' EXHIBITS:- NIL**  
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**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**

**V. CHITAMBARESH, J**

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**W.P.(C). NO. 5186 OF 2015**  
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Dated this the 12<sup>th</sup> day of March, 2015

**JUDGMENT**

The compensation is now being offered to the petitioner pursuant to Ext. P5 award passed under the Land Acquisition Act, 1894. But no such award could have been passed on 21.08.2014 after the commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. All that the petitioner prays is that the receipt of compensation should not prejudice his right under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. It is made clear that the receipt of compensation by the petitioner will be subject to further determination of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This is in view of Section 24(1)(a) of the said Act and the receipt of compensation pursuant to Ext.P5 award will not operate as an estoppel. Needless to say that a fresh award would be passed under the Right to Fair

Compensation and Transparency in Land Acquisition,  
Rehabilitation and Resettlement Act, 2013 notwithstanding  
Ext.P5 award.

The writ petition is disposed of.

**V. CHITAMBARESH  
JUDGE**

DCS