

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 5220 of 2015 (B)  
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PETITIONERS:  
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1. JOSE P. JOSEPH,  
PONNAKOTTIL HOUSE, THAZHAVAMKUNNU P.O., KALLOORKAD  
MUVATTUPUZZHA.
2. MARY JOSE  
PONNAKOTTIL HOUSE, THAZHAVAMKUNNU P.O., KALLOORKAD  
MUVATTUPUZZHA  
REPRESENTED BY THEIR POWER OF ATTORNEY HOLDER  
GEORGE ANTONY  
KUREEKAL HOUSE, KIZHAKKAMBALAM P.O.  
ERNAKULAM DISTRICT.

BY ADV. SRI.D.SREEKUMAR

RESPONDENTS:  
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1. STATE OF KERALA  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. PRINCIPAL SECRETARY TO GOVERNMENT OF KERALA,  
DEPARTMENT OF TRANSPORT, GOVERNMENT SECRETARIAT  
THIRUVANANTHAPURAM-695 001.
3. THE DISTRICT COLLECTOR  
ERNAKULAM, COLLECTORATE, KAKKANAD-682 030.
4. THE SPECIAL TAHSILDAR (LA)  
COCHIN CORPORATION, VYTTLA, KOCHI-682 019.
5. VYTTLA MOBILITY HUB SOCIETY  
VYTTLA, KOCHI  
REPRESENTED BY ITS MANAGING DIRECTOR-682 019.

R1-R3 GOVT. PLEADER SRI.ABHIJET LESSLY  
R5 ADV. SRI.M.AJAY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXTS  
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EXT.P1- TRUE COPY OF THE POWER OF ATTORNEY EXECUTED BY JOSE P.JOSEPH & MARY JOSE IN FAVOUR OF GEORGE ANTONY.

EXT.P2- TRUE COPY OF THE NOTICE GIVEN BY THE SPECIAL TAHSILDAR (LA), KOCHI CORPORATION DATED 19.1.2015.

EXT.P2(a)-TRUE COPY OF THE NOTICE GIVEN BY THE SPECIAL TAHSILDAR (LA), KOCHI CORPORATION DATED 19.1.2015.

EXT.P3- TRUE COPY OF STATEMENT SUBMITTED BY THE PETITIONERS BEFORE THE LAND ACQUISITION OFFICER, SPECIAL TAHSILDAR (LA), KOCHI CORPORATION DATED 4.2.2014.

EXT.P3(a)- TRUE COPY OF RECEIPT DATED 4.2.2015 ISSUED BY LAND ACQUISITION OFFICER, SPECIAL TAHSILDAR (LA), KOCHI CORPORATION.

EXT.P4- TRUE COPY OF STATEMENT SUBMITTED BY THE PETITIONERS BEFORE THE DISTRICT COLLECTOR, ERNAKULAM.

EXT.P5- TRUE COPY OF THE JOINT PETITION SUBMITTED BY THE PETITIONERS BEFORE THE DISTRICT COLLECTOR, ERNAKULAM DATED 23.9.2013.

EXT.P6-TRUE COPY OF THE G.O(RT)NO.3085/14/RD DATED 5.7.2014 ISSUED BY THE REVENUE (B) DEPARTMENT AND TYPED COPY.

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**BABU MATHEW P. JOSEPH, J.**

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W.P.(C) No.5220 of 2015  
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Dated this the 26<sup>th</sup> day of March, 2015

**JUDGMENT**

Certain properties belonging to the petitioners are proposed to be acquired for widening a road. The apprehension of the petitioners is that in the event of acquiring their properties, the concerned respondents may not award compensation as provided under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which has come into force on 01-01-2014. This Court is not of the view that the concerned revenue authorities are ignorant about the law to be applied when lands are acquired. Definitely, the concerned respondents will follow the law in existence and applicable to the acquisition. This Court does not have any reason to find that the concerned respondents will ignore the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,

which has come into force on 01-01-2014, if it is applicable to the petitioners' case. Moreover, the law laid down by this Court in **Aliyamma Mathai v. State of Kerala and Others [2014 (3) KHC 808]** is governing the field.

With the above observations, this writ petition is disposed of.

Sd/-  
**BABU MATHEW P. JOSEPH**  
**JUDGE**

kns/-

//TRUE COPY//

P.A. TO JUDGE