

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 6238 of 2015 (D)

PETITIONER:

**KOTAKKAL KIZHAKKE VEETIL JANAKI AMMA, AGED 68 YEARS
D/O.P.TAMBU PODUVAL, RAMANTHALY AMSOM DESOM
P.O.RAMANTHALY, KANNUR DISTRICT- 670 308.**

**BY ADVS.SRI.M.SASINDRAN
SRI.P.K.SUBHASH**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, KANNUR,
PIN- 670 001.**
- 2. THE SPECIAL TAHSILDAR (LAND ACQUISITION)
(EZHIMALA NAVAL ACADEMY), PAYYANNUR -670 101
KANNUR DISTRICT.**

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 6238 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1- A TRUE COPY OF THE APPLICATION FILED UNDER SECTION 28 A
FILED BY THE PETITIONER.**

EXT P2- A TRUE COPY OF THE ORDER DATED 11/08/2009.

**EXT P3- A TRUE COPY OF THE APPLICATION SUBMITTED BY THE
PETITIONER UNDER SECTION 28A(3) OF THE LAND ACQUISITION
ACT.**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 6238 OF 2015

Dated this the 27th day of February, 2015

JUDGMENT

The petitioner confines her relief to an early consideration of Ext. P3 application filed invoking Section 28A(3) of the Land Acquisition, 1894 (the 'Act' for short). It is stated that Ext. P1 application earlier filed under Section 28A(1) of the Act has been rejected by Ext.P2 order.

2. The learned Government Pleader points out that the petitioner did avail Section 28A(1) of the Act earlier on two occasions unsuccessfully. The petitioner cannot be permitted to successfully invoke Sections 28A(1) or 28A(3) of the Act.

3. I do not want to delve deep into these aspects since Ext. P3 application is pending with the second respondent. I direct the second respondent to consider Ext. P3 application with notice to the petitioner within three months. The impact of dismissal of the earlier applications allegedly filed under Section 28A(1) of the Act shall also be adverted to in the exercise.

4. The petitioner shall produce a certified copy of the judgment as well as a copy of the writ petition before the second respondent for compliance.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS