

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 6583 of 2015 (W)

PETITIONER:

**KIZHAKKINIYIL AMBU, AGED 70 YEARS
S/O.LATE KIZHAKKINIYIL KUNHAMMA, VAYAD, POST PERINGOME
VIA PAYYANNUR, KANNUR DISTRICT.**

BY ADV. SRI.VN.RAMESAN NAMBISAN

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, KANNUR
PIN - 670 001.**
- 2. THE SPECIAL TAHSILDAR (LAND ACQUISITION)
NAVAL ACADEMY, PAYYANNUR
(PRESENTLY AT THALASSERY) PIN - 670 104.**

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE APPLICATION DATED 13/10/2008 UNDER SECTION 28A OF THE LAND ACQUISITION ACT SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXT.P2: TRUE COPY OF ORDER NO. D.DIS/1633/08/C DATED 26/06/2009 ISSUED BY 2NDS RESPONDENT, DISMISSING EXHIBIT P1 APPLICATION.**
- EXT.P3: TRUE COPY OF APPLICATION DATED 05/08/2009 UNDER SECTION 28A (3) OF THE LAND ACQUISITION ACT SUBMITTED BY THE MOTHER-IN-LAW OF THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXT.P4: TRUE COPY OF ORDER REF. 1826/09/G DATED 02/05/2012 ISSUED BY 2ND RESPONDENT DISMISSING EXHIBIT P3 APPLICATION.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 6583 OF 2015

Dated this the 03rd day of March, 2015

JUDGMENT

It is trite law that an application under Section 28A(3) of the Land Acquisition Act, 1894 (for short the 'Act') can be on the basis of a revised judgment even. Not only a reference answered under Section 18 of the Act but also a reference answered under Section 28A(3) of the Act can be relied on. Therefore the second respondent erred in rejecting Ext. P1 application under Section 28A(1) and Ext. P3 application under Section 28A (3) of the Act.

2. Exts. P2 and P4 orders rejecting Exts. P1 and P3 applications are hereby quashed. The second respondent is directed to reconsider Ext. P1 application on merits in the light of the observations above. The needful shall be done within a period of three months

from the date of production of a copy of this judgment.

3. The petitioner shall produce a copy of the writ petition with the judgment before the second respondent for compliance.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS