

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 6791 of 2015 (Y)

PETITIONER(S):

C.T.ABDUL AZEEZ, AGED 47 YEARS
S/O.MUHAMMED, CHERATTUTHODI HOUSE, P.O PAYYANAD
VALAMKULAM, MANJERI, MALAPPURAM DISTRICT - 676 122.

BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI

RESPONDENT(S):

1. THE SPECIAL TAHSILDAR
LAND ACQUISITION (GENERAL)
OFFICE OF THE SPEICIAL TAHSILDAR LA (GENERAL)
MALAPPURAM 676 505.
2. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO REVENUE DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.

R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 6791 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE TAX RECEIPT WITH RESPECT TO THE ABOVE PROPERTY
DATED 27.2.13.

EXHIBIT P2. COPY OF THE FINAL FAIR VALUE FIXED BY THE GOVERNMENT OF
KERALA WITH RESPECT TO THE ABOVE PROPERTY AND AS PUBLISHED
IN KERALA GAZETTE.

EXHIBIT P3. COPY OF THE NOTICE ISSUED BY THE IST RESPONDENT DATED 4.8.14.

EXHIBIT P4. COPY OF THE GOVERNMENT ORDER NO.3085/14/RD DATED 5.7.14.

EXHIBIT P5. COPY OF THE RELEVANT PORTION OF THE AWARD NO.2/2014 DATED
21.8.14 PASSED BY THE IST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S.TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.6791 of 2015

Dated this the 26th day of May, 2015

J U D G M E N T

Ext.P5 Award dated 21.8.2014 purportedly under the Land Acquisition Act, 1894 can only be treated as tentative. This is because the compensation has to be re-determined under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013. The new Act has come into force with effect from 1.1.2014 and the petitioner is entitled to have his compensation determined under Section 24(1)(a) thereof. The amount of compensation determined under Ext.P5 Award has reportedly been deposited in the Land Acquisition Court. The acquisition is for the Manjeri Medical College and the property of the petitioner has already been taken possession of. The petitioner is free to encash the amount lying in court deposit on proof of his title to the property acquired.

2. It is made clear that such encashment will not prejudice the right of the petitioner under Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Re-settlement Act, 2013. The petitioner is free to have the compensation re-determined in accordance with the new Act soon after the rules are framed in that regard. The receipt of compensation by the petitioner under Ext.P5 Award will not in any way prejudice his right under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 and the rules framed thereunder.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.