

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 7526 of 2015 (M)

PETITIONERS:

1. CHERUCHERIPPIL ANTONY, S/O.ANTONY,
CHERUCHERIPPIL HOUSE, KOOTTUPUZHA P.O.,
THALASSERRY TALUK, KANNUR DISTRICT-670 706.
2. CHAKKIYATH ROSY JOSEPH, W/O.JOSEPH,
CHAKKIYATH HOUSE, KILIYANTHARA P.O.,
THALASSERRY, KANNUR DISTRICT-670 706.
3. KOCHUPURAYIL SUKUMARAN, S/O.KUNHAPPAN,
KOCHUPURAYIL HOUSE, VALLITHODU,
KILIYANTHARA P.O., THALASSERRY,
KANNUR DISTRICT-670 706.

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
KANNUR-670 002.
2. THE SPECIAL TAHSILDAR (LA),
N.H.THALASSERRY-670 301.

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE AWARD DATED 15.05.09 PASSED BY THE SECOND RESPONDENT.
- EXHIBIT P2 : TRUE COPY OF THE AWARD DATED 24.06.09 PASSED BY THE SECOND RESPONDENT.
- EXHIBIT P3 : TRUE COPY OF THE AWARD DATED 30.06.09 PASSED BY THE SECOND RESPONDENT.
- EXHIBIT P4 : TRUE COPY OF THE SECTION 18 APPLICATION DATED 26.05.09 FILED BY THE FIRST PETITIONER.
- EXHIBIT P5 : TRUE COPY OF THE SECTION 18 APPLICATION DATED 23.07.09 FILED BY THE FIRST PETITIONER.
- EXHIBIT P6 : TRUE COPY OF THE SECTION 18 APPLICATION DATED 01.08.09 FILED BY THE FIRST PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 7526 OF 2015

Dated this the 18th day of March, 2015

JUDGMENT

Applications put in by petitioners 2 and 3 under Section 18 of the Land Acquisition Act, 1894 have become fruitful. LAR Nos. 134/2012 and 55/2012 are pending in this regard on the file of the Sub Court, Thalassery. But the application put in by the first petitioner has been rejected by the respondents by order dated 23.06.2014. It is so done since the petitioner did not receive the compensation amount under protest as enjoined under Rule 13(2a) of the Land Acquisition (Kerala) Rules.

2. The remedy of the first petitioner is to challenge the order dated 23.06.2014 appropriately. The first petitioner can also invoke Section 28A of the Act dependent on the outcome of LAR Nos. 134/2012 and 55/2012. No relief could be granted in this writ petition therefore and the same is hereby dismissed. The copy of the order dated 23.06.2014 shall be served on the first petitioner (if not already done) within one month.

The Writ Petition is dismissed.

**V. CHITAMBARESH
JUDGE**

WP(C) No.

ncd