

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 11239 of 2011 (D)

PETITIONER :-

**RAJAN VARGESE, AGED 51,
S/O. M.V.VARGESE,
MARUTHOOR HOUSE,
THENMALA VILLAGE,
PATHANAPURAM TALUK,
KOLLAM.**

**BY ADVS.SRI.R.KISHORE
SRI.G.HARIPRASAD
SRI.ARUN BABU**

RESPONDENTS :-

**1. POWER GRID CORPORATION OF INDIA
REPRESENTED BY ITS CHIEF MANAGER,
KAPPIL HOUSE, DOCTORS ROAD,
NEAR COLLECTORATE,
PATHANAMTHITTA - 689 645.**

**2. SPECIAL TAHASILDAR (LA),
POWER GRID CORPORATION OF INDIA,
KAPPIL HOUSE, DOCTORS ROAD,
NEAR COLLECTORATE,
PATHANAMTHITTA - 689 645.**

**3. DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR,
PATHANAMTHITTA - 689 645.**

**R1 BY ADV. SRI.MILLU DANDAPANI
R2 & R3 BY SMT.M.J.RAJASHREE, SENIOR GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

WP(C).No. 11239 of 2011 (D)

APPENDIX

PETITIONER(S)' EXHIBITS :-

- EXHIBIT P1 : THE TRUE COPY OF THE TAX RECEIPT DATED 22.03.2011.**
- EXHIBIT P2 : TRUE COPY NOTICE DATED 22.02.2008 ISSUED BY THE 2ND RESPONDENT.**
- EXHIBIT P3 : THE TRUE COPY OF THE NOTICE DATED 12.02.2009 ISSUED BY 2ND RESPONDENT.**
- EXHIBIT P4 : THE TRUE COPY OF THE NOTICE DATED 30.05.2009 ISSUED BY 2ND RESPONDENT.**
- EXHIBIT P5 : TRUE COPY OF REPRESENTATION TO THE 2ND RESPONDENT DATED 16.06.2009.**
- EXHIBIT P6 : TRUE COPY OF PLAN DATED 12.04.2010 OF PETITIONERS PROPERTY.**
- EXHIBIT P7 : THE TRUE COPY OF THE NOTICE DATED 28.10.2010 TO THE 1ST RESPONDENT.**
- EXHIBIT P8 : THE TRUE COPY OF THE ACKNOWLEDGMENT CARD OF P7.**
- EXHIBIT P9 : TRUE COPY OF REPRESENTATION BEFORE THE 3RD RESPONDENT DT. 09.12.2010.**
- EXHIBIT P10 : TRUE COPY OF ACKNOWLEDGMENT CARD OF P9 REPRESENTATION.**
- EXHIBIT P11 : TRUE COPY OF THE CARD ISSUED TO THE PETITIONER FROM RCC, TRIVANDRUM.**

RESPONDENT(S)' EXHIBITS :- NIL

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//TRUE COPY//

P.A. TO JUDGE

ANIL K.NARENDRA, J

W.P.(C)No.11239 of 2011

Dated this the 11th day of March, 2015

JUDGMENT

This writ petition is filed by the petitioner, who claims ownership and occupation of 0.0567 hectares of land covered by Ext.P1, tax receipt, seeking a writ of mandamus directing the first and second respondents to disburse the compensation due to him for the trees cut from the aforesaid property and also to dispose of Ext.P5 representation submitted before the second respondent.

2. By order dated 28.10.2011, this Court has directed the second respondent to determine the proportionate share of compensation payable to the petitioner, having regard to the area of the land belonging to him and the total area of the land jointly belonging to the petitioner and his mother. The second respondent was further directed to disburse the amount payable to the petitioner based on such determination within a period of one week thereafter, on a provisional basis subject to further orders to be passed by this Court.

3. Today, when the case was taken up for final hearing, the learned Government Pleader brought to my notice an order bearing No.A1-396/2011 passed by the second respondent dated 09.12.2011 as per which the petitioner was sanctioned a compensation of ₹55,819/- out of the total compensation of ₹1,35,561/- and a demand draft for the said amount was ordered to be handed over to the petitioner through the Chief Manager of Power Grid Corporation of India Limited. As far as the balance amount of ₹79,742/- is concerned, the same was set apart for disbursement to the legal heirs of the petitioner's mother, late Thankamma Varghese in equal shares on production of documents to prove the legal heirship. Till such disbursal, the said amount was ordered to be kept in the Office of the Power Grid Corporation of India Limited at Pathanamthitta.

4. Today, when the case was taken up for final hearing, none appeared for the petitioner.

In such circumstances, recording the above submission made by the learned Government Pleader, this writ petition is disposed of directing the petitioner along with other legal heirs of late Thankamma Varghese to

move the 1st respondent for disbursal of the aforesaid amount, if the same is still with the said respondent. In case of any dispute among the legal heirs of late Thankamma Varghese, it would be open to the petitioner or any other legal heirs to move the competent Civil Court for appropriate relief.

Sd/-
ANIL K.NARENDRA
JUDGE

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//TRUE COPY//

P.A. TO JUDGE