

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 8243 of 2015 (E)

PETITIONER(S)/PETITIONER:

ARATHY SREEDHARAN, AGED 36 YEARS
D/O.SREEDHRAN, SIVASKATHY VEETIL, KIZHAKUMBHAGAMKARA
ERTTUMANUR-686631
REPRESENTED BY THE POWER OF ATTORNEY HOLDER, T N KUMARAN,
AGED 67, S/O.NARAYANAN, KOODRATHIL, PUNNATHURA WEST P O
ETTUMANOOR 686631

BY ADV. SRI.G.KIRAN

RESPONDENT(S)/RESPONDENTS:

1. DISTRICT COLLECTOR, KOTTAYAM
OFFICE OF THE DISTRICT COLLECTOR, KOTTAYAM-686001
2. CONVENUER
DISTRICT LEVEL PURCHASING COMMITTEE
OFFICE OF THE DISTRICT COLLECTOR, KOTTAYAM 686001
3. THE LAND ACQUISITION OFFICER
(SPL TAHSILDAR, L A GENERAL)
KOTTAYAM-686 001

R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1(A):-TRUE PHOTOCOPY OF THE NOTICE UNDER RULE 15(3) OF THE LAND ACQUISITION (KERALA) RULES 1990 IN FORM NO 12 FOR 0.0581 HECTARES OF LAND IN SY NO 175/2-2B OF BLOCK 29 OF ETTUMANOOR VILLAGE DTD NOVEMBER 2014

P1(B):-TRUE PHOTOCOPY OF THE NOTICE UNDER RULE 15(3) OF THE LAND ACQUISITION (KERALA) RULES 1990 IN FORM NO 12 FOR 0.0167 HECTARES OF LAND IN SY NO 190/7-1 BLOCK 29 OF ETTUMANOOR VILLAGE DTD 16/8/2014

P2(A):-TRUE PHOTOCOPY AWARD NO 1/13-14 (56 NLA) DTD30/8/2014

P2(B):-TRUE PHOTOCOPY AWARD NO 5/13-14 (63 BF) DTD 22/7/2014

P3:-TRUE PHOTOCOPY OF THE REPRESENTATION MADE BEFORE THE 1ST AND 2ND RESPONDENTS ON 30/7/2012

P4:-TRUE PHOTOCOPY OF THE REPRESENTATION MADE BEFORE THE FIRST RESPONDENT ON 23.4.2014.

P5(A):- A TRUE PHOTOCOPY OF THE NOTICE UNDER RULE 13(2) OF THE LAND ACQUISITION (KERALA) RULES, 1990 IN FORM NO.11 FOR 0.0167 HECTARES OF LAND IN SY.NO.190/7-1 OF BLOCK 29 OF ETTUMANOOR VILLAGE DATED NOVEMBER, 2014.

P5(B):-A TRUE PHOTOCOPY OF THE NOTICE UNDER RULE 13(2) OF THE LAND ACQUISITION (KERALA)RULES 1990 IN FORM NO 11 FOR 0.0581 HECTARES OF LAND IN SY NO 175/2-2B OF BLOCK 29 OF ETTUMANOOR VILLAGE

P6:-TRUE PHOTOCOPY OF THE GOVERNMENT ORDER NO. 3085/14/RD DTD 5/7/2014

P7:-TRUE PHOTOCOPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE LAND ACQUISITION OFFICER, SPECIAL TAHSILDAR , LA (GENERAL)KOTTAYAM ON 23/2/2015

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.8243 of 2015

Dated this the 31st day of March, 2015

J U D G M E N T

Award Nos.1/13-14 and 5/13-14 dated 30.8.2014 and 22.7.2014 respectively have been passed. The same is relation to the acquisition of the property of the petitioner. The petitioner has already received the amount due under Award No.5/13-14 and is yet to receive the amount due under Award No.1/13-14.

2. Awards have been passed after the commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013. Therefore the receipt of the amount under the Awards by the petitioner would be without prejudice to his right for further determination of compensation. This is evident by Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013.

2. It is clarified that Awards would be passed anew under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013. The same shall be done after

the framing of the rules for determination of the compensation. The amount received under Award Nos.1/13-14 and 5/13-14 would be given credit to while quantifying the amounts due further under the new Act aforementioned.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.