

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 8515 of 2015 (L)  
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PETITIONER(S):  
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PRIYA  
D/O.SAJINI KANTHA BHAI, 'PRIYA NIVAS', MEENATH CHERRY  
SAKTHIKULANGARA VILLAGE, KOLLAM DISTRICT

BY ADVS.SRI.N.DHARMADAN (SR.)  
SMT.D.P.RENU

RESPONDENT(S):  
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1. STATE OF KERALA  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT  
REVENUE DEPARTMENT, SECRETARIAT  
THIRUVANANTHAPURAM - 695 001
2. DISTRICT COLLECTOR,  
COLLECTORATE, KOLLAM - 691001
3. THE SPECIAL TAHSILDAR (LA),  
NATIONAL HIGHWAY, KOLLAM 691 001

R3 BY ADV. GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 8515 of 2015 (L)  
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APPENDIX

PETITIONER(S)' EXHIBITS  
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EXHIBIT P1 TRUE COPY OF THE NOTICE DATED 24-08-2001 ISSUED BY THE 3RD  
RESPONDENT

EXHIBIT P2 TRUE COPY OF THE FORM NO 10 SIGNED BY THE 3RD RESPONDENT

EXHIBIT P3 TRUE COPY OF THE STATEMENT DATED 23-09-2014 BY  
SRI.PRABHAKARAN

EXHIBIT P4 TRUE COPY OF THE TAX RECEIPT DATED 04-03-2015

EXHIBIT P5 TRUE COPY OF THE REPRESENTATION DATED 17-11-2005 BY Q  
PETITIONER'S MOTHER

EXHIBIT P5(A) TRUE COPY OF THE REPRESENTATION DATED 09-08-2006 BY  
PETITIONER'S MOTHER

EXHIBIT P5(C) TRUE COPY OF THE REPRESENTATION DATED 19-01-2013 BY  
PETITIONER'S MOTHER

EXHIBIT P6 TRUE COPY OF THE LETTER DATED 16-04-2008 BY 2ND RESPONDENT

EXHIBIT P7 TRUE COPY OF THE SURVEY PLAN OF THE LAND.

RESPONDENT(S)' EXHIBITS : NIL.  
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//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

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W.P (C) No.8515 of 2015  
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Dated this the 27<sup>th</sup> day of July, 2015

J U D G M E N T

It is practically conceded that a larger extent than that was notified in the Award was consumed by land acquisition. The petitioner asserts that the extent exceeds by 1.50 Ares whereas the respondents maintain that the extent exceeds by 0.48 Are only. The proper course would be for the petitioner to receive the additional compensation for 0.48 Ares without prejudice to her right under the Land Acquisition Act, 1894.

2. Final orders shall be passed in this regard by the third respondent within a period of two months from the date of production of this judgment. The petitioner shall receive the amount under protest and shall also submit an application for reference under Section 30 of the Land Acquisition Act, 1894 (This is because an Award under the Land Acquisition Act, 1894 has been passed as early as on 16.5.2005).

3. Such application for reference shall be filed within a period of six weeks from the date of final orders passed by the third respondent. The extent

of the land consumed as well as the adequacy of compensation paid in relation to the land in excess of the area included in the Award can be agitated before the Land Acquisition Court. The third respondent shall make a reference to the court of the Subordinate Judge of Kollam on receipt of the application afore-said.

The writ Petition is disposed of.

Sd/-  
V.CHITAMBARESH,  
Judge.

nj.