

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. 8807 of 2015 (A)

PETITIONER:

**JOHN KURIAN, AGED 80 YEARS
S/O.LATE N.V. KURIAN, NALIYATH HOUSE, KUREEKAD P.O.
ERNAKULAM - 682 305.**

**BY ADVS.SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA
SRI.ANOOP BHASKAR
SRI.BOBY C. BABY**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, BOARD OF REVENUE
KERALA GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD - 682 030.**
- 3. THE VILLAGE OFFICER,
MANAKUNNAM VILLAGE OFFICE, MANAKUNNAM
ERNAKULAM - 682 307**
- 4. THE SPECIAL TAHSILDAR (LAND ACQUISITION)
CORPORATION OF KOCHI, ERNAKULAM - 682 019.**

*** ADDL. R5 IS IMPEADED**

- 5. THE UDAYAMPEROOR GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, UDAYAMPEROOR
GRAMA PANCHAYAT OFFICE, UDAYMAPEROOR P.O.
ERNAKULAM 682 307**

*** ADDL. R5 IS IMPEADED AS PER THE ORDER IN I.A. NO. 4343/2015
DATED 26.05.2015**

**R1 TO R4 BY GOVERNMENT PLEADER SRI. GIKKU JACOB
ADDL.R5.BY ADVS. SRI.P.N.SUKUMARAN
SRI.K.A.ANAS**

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

WP(C).No. 8807 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE TAX RECEIPT NO. J 5406427 DATED 26/12/2014
ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT-P2- TRUE COPY OF THE PROCEEDINGS NO. DARTS/CA/DC/13/2091
DATED 11/10/2011 ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT-P3- TRUE COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE
2ND RESPONDENT DATED 16/08/2013.**

**EXHIBIT-P4- TRUE COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT TO
THE PETITIONER DATED 29/04/2014.**

**EXHIBIT-P5- TRUE COPY OF THE LETTER NO. C3-22141/2010 ISSUED BY THE
2ND RESPONDENT DATED 01/12/2014**

**EXHIBIT-P6- TRUE COPY OF THE REPLY SUBMITTED BY PETITIONER TO
THE 2ND RESPONDENT DATED 20/12/2014.**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

Dated this the 26th day of May, 2015

JUDGMENT

Ext. P2 proceedings of the second respondent reflects that property in the possession of the petitioner is being acquired subject to payment of compensation. The petitioner did lay a claim for compensation as evident by Ext. P3 letter. But Ext. P5 intimation of the second respondent proceed on the footing that no compensation at all is payable since the property is shown as panchayath road.

2. The entitlement of compensation to the petitioner depends on establishing his title over the property. The same requires consideration of oral and documentary evidence adduced by the petitioner. It is only appropriate that the petitioner moves the civil court for this purpose which can determine the title to the property acquired and the entitlement to compensation.

3. The amount of compensation has not been settled for a land acquisition reference to be made. Therefore a suit is the appropriate remedy to which I relegate the petitioner for redressal of his grievances.

The writ petition is disposed of.