

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 11940 of 2011 (N)

PETITIONER:

**JOSE JOSEPH, AGED 43 YEARS,
S/O.P.C.JOSEPH, PERUMPALLIL HOUSE
AMPARA NIRAPPEL P.O., REP.BY P.C.JOSEPH, AGED 82 YEARS
PERUMPALLIL (H), AMPARA NIRAPPEL P.O .
KOTTAYAM DISTRICT.**

BY ADV. SRI.JOSE THOMAS (PALA)

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY (REVENUE) SECRETARIAT
TRIVANDRUM, PIN 695001.**
- 2. THE COMMISSIONER OF LAND REVENUE,
OFFICE OF THE COMMISSIONER, PUBLIC OFFICE BUILDING
MUSEUM VIEW P.O., THIRUVANANTHAPURAM, PIN 695033.**
- 3. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM, PIN 686001.**
- 4. THE LAND ACQUISITION OFFICER AND
REVENUE DIVISIONAL OFFICER, R.D.O. OFFICE, PALA P.O.
KOTTAYAM DISTRICT, PIN 686575.**
- 5. PALA MUNICIPALITY, REPRESENTED BY ITS
SECRETARY, PALA P.O., PALA
PIN 686575.**

**R1 TO R4 BY SR. GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
R5 BY ADVS. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF JUDGMENT DATED 26.3.2007 IN W.P.(C). NO. 28175/2010**
- EXHIBIT P2. TRUE COPY OF NOTIFICATION DATED 14.2.2008 ISSUED BY THE 4TH RESPONDENT**
- EXHIBIT P3. TRUE COPY OF NOTICE DATED 9.5.2008 ISSUED BY THE 4TH RESPONDENT**
- EXHIBIT P4. TRUE COPY OF OBJECTION DATED 5.6.2008 SUBMITTED BY THE PETITIONER TO 4TH RESPONDENT**
- EXHIBIT P5. TRUE COPY OF NOTICE DATED 24.06.2008 ISSUED BY THE 4TH RESPONDENT**
- EXHIBIT P6. TRUE COPY OF JUDGMENT DATED 8.5.2009 IN R.P. NO. 825/2007**
- EXHIBIT P7. TRUE COPY OF ORDER PASSED BY THE 2ND RESPONDENT IN LRC -3-50907 DATED 18.6.2009**
- EXHIBIT P8. TRUE COPY OF LETTER DATED 20.06.2009 BY ADDITIONAL. LAND REVENUE COMMISSIONER**
- EXHIBIT P9. TRUE COPY OF DECLARATION DATED 19.6.2009 PUBLISHED IN THE DEEPIKA DAILY ON 12.08.2009**
- EXHIBIT P10. TRUE COPY OF JUDGMENT DATED 27.10.2010 IN W.P.(C) NO. 24815/2009**
- EXHIBIT P11. TRUE COPY OF NOTICE DATED 15.11.2010 ISSUED BY THE 4TH RESPONDENT**
- EXHIBIT P12. TRUE COPY OF REPLY DATED 06.1.2010 SENT BY THE PETITIONER TO THE 4TH RESPONDENT**
- EXHIBIT P13. TRUE COPY OF LETTER NO. C-2570/04 DATED 18.12.2010 BY THE 4TH RESPONDENT**
- EXHIBIT P14. TRUE COPY OF ENQUIRY REPORT NO. 2570/04/C DATED 7.10.2008 BY THE 4TH RESPONDENT**
- EXHIBIT P15. TRUE COPY OF REPLY AND OBJECTION DATED 29.12.2010**
- EXHIBIT P16. TRUE COPY OF LETTER NO. LRC 3-50371/10 DATED 27.12.2010 ISSUED BY 2ND RESPONDENT**
- EXHIBIT P17. TRUE COPIES OF LIST OF DOCUMENTS DATED 11.1.2011 AND DOCUMENTS ENCLOSED THERETO SUBMITTED TO THE SECOND RESPONDENT**

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EXHIBIT P17. TRUE COPIES OF THE LIST OF CITATIONS DATED 11.1.2011 AND DECISIONS ENCLOSED THERETO SUBMITTED TO THE SECOND RESPONDENT

EXHIBIT P19. TRUE COPY OF ORDER NO. LRC-3-50371/2010 DATED 8.2.2011 BY THE SECOND RESPONDENT

EXHIBIT P20. TRUE COPY OF THE LETTER DATED 5.2.2011 BY THE 3RD RESPONDENT TO THE SECOND RESPONDENT

EXHIBIT P21. TRUE COPY OF THE NOTICE DATED 17.3.2011 ISSUED BY THE 4TH RESPONDENT

EXHIBIT P22. TRUE COPY OF THE NEWSPAPER REPORT IN MALAYALA MANORAMA DAILY DATED 6.5.2011

EXHIBIT P23. TRUE COPY OF LETTER DATED 17.3.2011 BY 4TH RESPONDENT TO 5TH RESPONDENT

EXHIBIT P24. TRUE COPY OF THE LETTER DATED 19.5.2011 BY 5TH RESPONDENT TO 4TH RESPONDENT

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 11940 OF 2011

Dated this the 25th day of June, 2015

JUDGMENT

The proceedings under the Land Acquisition Act, 1894 have obviously lapsed. This is because the time limit prescribed under Sections 6 and 11A of the Land Acquisition Act, 1894 have not been adhered to. Moreover the requisitioning authority - Pala Municipality- has not provided the requisite fund. It is made clear that any further acquisition can only be under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

DCS