

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYASHTA, 1937

WP(C).No. 9585 of 2015 (W)

PETITIONER(S):

GEORGE JOSEPH, AGED 67 YEARS
S/O.JOSEPH VARKEY, VELLUKUNNEL HOUSE, CLUB ROAD
CHETHIMATTOM, PALA, KOTTAYAM DISTRICT.

BY ADV. SRI.C.S.SUNIL

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.
3. COMMISSIONER OF LAND REVENUE
LAND REVENUE COMMISSIONERATE, PUBLIC OFFICE BUILDING
THIRUVANANTHAPURAM-33.
4. CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT, (ROADS AND BRIDGES)
MUSEUM P.O., THIRUVANANTHAPURAM.
5. DISTRICT COLLECTOR
KOTTAYAM.
6. DEPUTY COLLECTOR (LA)
KOTTAYAM.
7. SPECIAL TAHSILDAR LA (GENERAL)
PALA.

R7 BY ADV. GOVERNMENT PLEADER C.S.MANILAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE DECLARATION DT.4-7-14.

EXT.P2 : TRUE COPY OF THE NOTICE DT.17-9-2014.

EXT.P3 : TRUE COPY OF THE GO(MS)NO.182/2012/RD DT.3-5-2012.

EXT.P4 : TRUE COPY OF THE GO(MS)NO.142/14/RD DT.5-3-2014.

EXT.P5 : TRUE COPY OF THE APPLICATION DT.2-2-2015.

EXT.P5A : TRUE COPY OF THE REPLY DT.13-2-2015.

EXT.P6 : TRUE COPY OF THE ORDER GO(RT)NO.3085/14 RD DT.5-7-2014.

EXT.P7 : TRUE COPY OF THE APPLICATION DT.20-2-2015.

EXT.P7A : TRUE COPY OF THE REPLY DT.4-3-15.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.9585 of 2015

Dated this the 10th day of June, 2015

J U D G M E N T

Exts.P3 and P6 orders relate to acquisition initiated under the Land Acquisition Act, 1894 and being continued under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013. The property of the petitioner is yet to be acquired and no proceedings either under the old Act or under the new Act have hitherto been initiated.

2. The 7th respondent has filed a counter affidavit to the writ petition wherein it is inter alia averred as follows:-

“It is to be noted that the present proceedings, which is impugned in this writ petition relates to the 3rd Reach. No action had so far been taken under the old Act in respect of the property in the 3rd Reach and action including acquisition proceedings will be taken only under the new Act as per law. As such, the petitioner have no subsisting grievances to redress and therefore, the writ petition is only to be dismissed as without any cause of action.”

3. The petitioner is not in any way aggrieved by Exts.P3 and P6 orders due to reasons afore stated and there is therefore no necessity to consider the correctness or otherwise of Exts. P3 and P6 orders.

The Writ Petition is dismissed.

Sd/-
V.CHITAMBARESH,
Judge.

nj.