

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 9770 of 2015 (U)

PETITIONERS:

1. DR. SATHISH CHANDRA PAI, AGED 34 YEARS,
S/O. SANTHARAM PAI, RESIDING AT
NARAYAN NIVAS, T.D. ROAD, KOVILVATTOM
DESOM, ERNAKULAM VILLAGE PIN 682 035.

(REPRESENTED BY MY MOTHER AND POWER OF
ATTORNEY HOLDER MRS. PUSHPALATHA S. PAI,
W/O. R. SANTHARAM PAI, RESIDING AT NARAYANA
NIVAS, T.D. ROAD, KOCHI 35 (3RD PETITIONER)

2. DR. AYSHWARYA C. BHAT, AGED 32 YEARS,
W/O. CHETHAN BHAT, RESIDING AT NARAYANA
NIVAS, T.D. ROAD, KOVILVATTOM DESOM,
ERNAKULAM - 682 035.

(REPRESENTED BY MY MOTHER AND POWER OF
ATTORNEY HOLDER MRS. PUSHPALATHA S. PAI,
W/O. R. SANTHARAM PAI, RESIDING AT NARAYANA
NIVAS, T.D. ROAD, KOCHI-35. (3RD PETITIONER)

3. PUSHPALATHA S. PAI, AGED 66 YEARS,
W/O. SANTHARAM PAI, RESIDING AT NARAYANA
NIVAS, T.D. ROAD, KOVILVATTOM DESOM,
ERNAKULAM VILLAGE PIN 682 035.

BY ADVS. SRI. N. D. PREMACHANDRAN
SRI. M. S. UNNIKRISHNAN
SRI. D. AJITHKUMAR

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT, LOCAL SELF
GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.
2. DISTRICT COLLECTOR, COLLECTORATE,
ERNAKULAM PIN 682 030.
3. LAND ACQUISITION OFFICER, SPECIAL TAHSILDAR(LA),
KOCHI CORPORATION, VYTILA, ERNAKULAM DISTRICT 682 019.

BY GOVERNMENT PLEADER SRI. T. R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE SALE DEED NO. 742/2006 OF SRO MARADU
- EXHIBIT P2 : TRUE COPY OF THE SALE DEED NO. 743/2006 OF SRO, MARADU
- EXHIBIT P3 : TRUE COPY OF THE SALE DEED NO. 211/09 TO THE 3RD PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE ORDER PASSED BY THIS HONOURABLE COURT IN WP(C) NO. 22272 OF 2013 DATED 25.09.2013.
- EXHIBIT P5 : TRUE COPY OF THE ORDER DATED 16.01.2015 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P6 : TRUE COPY OF THE NOTICE IN LAC NO. 2/15.
- EXHIBIT P7 : TRUE COPY OF THE NOTICE IN LAC NO. 3/15.
- EXHIBIT P8 : TRUE COPY OF THE TAX PAID RECEIPT ISSUED TO THE PETITIONERS.
- EXHIBIT P9 : TRUE COPY OF THE THANDAPER EXTRACT OF THE PREVIOUS OWNER OF THE PETITIONERS.
- EXHIBIT P10 : TRUE COPY OF THE POSSESSION CERTIFICATE.
- EXHIBIT P11 : TRUE COPY OF THE POSSESSION CERTIFICATE.
- EXHIBIT P12 : TRUE COPY OF THE OBJECTION DATED 07.03.2015.
- EXHIBIT P13 : A COPY OF THE ORDER DATED 18.03.2015 THE HONOURABLE MUNSIFF'S COURT.
- EXHIBIT P14 : A COPY OF THE OBJECTION FILED ON 24.03.2015 BEFORE THE 1ST RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 9770 OF 2015

Dated this the 26th day of March, 2015

JUDGMENT

The only grievance is that the property was not remeasured in accordance with Ext.P5 proceedings of the second respondent. It transpires that re-measurement was allegedly done without notice to the petitioners. It is only proper that the petitioners and other interested persons are put on notice before re-measurement. The respondents are free to go ahead with the land acquisition after re-measurement as directed above. Needless to say that 80% of the total compensation shall be paid to the lawful owners at the time of assuming possession.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd