

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 9906 of 2015 (K)

PETITIONER(S):

CHERUCHERIPPIL ANTONY,
S/O.ANTONY, CHERUCHERIPPIL HOUSE,
KOOTTUPUZHA P.O., THALASSERY TALUK,
KANNUR DISTRICT - 670 706.

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENT(S):

1. THE DISTRICT COLLECTOR, KANNUR - 670 002.
2. THE SPECIAL TAHSILDAR (L.A.) N.H.
THALASSERY - 670 301.

R BY GOVERNMENT PLEADER SRI.T.R.RAJESH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.9906/2015

PETITIONER'S EXTS:

- EXT.P1 TRUE COPY OF THE AWARD DATED 15/5/2009 PASSED BY THE
 SECOND RESPONDENT.
- EXT.P2 TRUE COPY OF THE APPLICATION DATED 26//09 FILED BY THE
 PETITIONER UNDER SECTION 18 OF THE LAND ACQUISITION ACT.
- EXT.P3 TRUE COPY OF THE ORDER DATED 23/6/2014 PASSED BY THE
 SECOND RESPONDENT.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.9906 of 2015

Dated this the 27th day of March, 2015

J U D G M E N T

Ext.P2 application filed under Section 18 of the Land Acquisition Act for reference was dismissed by Ext.P3 order. The only reason stated is that the petitioner did not endorse on the counterfoil of the cheque that the receipt was under protest. But then the amount was paid directly to the Canara Bank and the petitioner had no opportunity to receive the cheque. Therefore the failure to make such an endorsement cannot be put forward as a reason for declining reference under Section 18 of the said Act.

2. Ext.P3 order is quashed and the second respondent is directed to make a reference to the Land Acquisition Court under Section 18 of the Land Acquisition Act. The needful shall be done within a period of two months from the date of production of a copy of this judgment.

The Writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.