

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 10736 of 2015 (N)

PETITIONER:

**K.V.JAYAN,
KANNETH HOUSE, PALLIPARAMBU KAVU ROAD, KARULIL LANE
THRIPPUNITHURA, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.SALIM V.S.
SRI.SHANAVAS.S
SRI.P.V.JEEVESH
SRI.H.NUJUMUDEEN**

RESPONDENTS:

- 1. THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
MINISTRY OF RURAL DEVELOPMENT, NEW DELHI, PIN-110 012.**
- 2. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN-695 001.**
- 3. LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM, PIN-695 001.**
- 4. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM DISTRICT
PIN-682 030.**
- 5. THE SPECIAL THAHASILDAR,
LAND ACQUISITION(GENERAL), ERNAKULAM, PIN-682 030.**
- 6. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA PUBLIC WORKS DEPARTMENT ROAD DIVISION
ERNAKULAM, PIN-682 021.**
- 7. THE SECRETARY,
THRIPPUNITHURA MUNICIPALITY, THRIPPUNITHURA
ERNAKULAM DISTRICT, PIN-682 301.**

**R1 BY SRLN.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 TO R5 BY SR.GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
R7 BY ADV. SRI.V.M.KURIAN, SC, THRIPPUNITHURA MUNICIPALITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-07-2015 ALONG WITH WP(C).No. 10801 of 2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 10736 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE 4(1) NOTIFICATION PUBLISHED IN EXTRA
ORDINARY GAZETTE DATED 9.4.2013.**
- EXT.P2: TRUE COPY OF THE OBJECTION DATED 21.5.2013 AGAINST
EXHIBIT P1.**
- EXT.P3: TRUE COPY OF THE NOTICE UNDER RULE 7(1) KERALA LAND
ACQUISITION RULES.**
- EXT.P4: TRUE COPY OF THE OBJECTION DATED 30.8.2013.**
- EXT.P5: TRUE COPY OF THE ORDER OF 3RD RESPONDENT DATED
23.4.2014.**
- EXT.P6: TRUE COPY OF THE DECLARATION DATED 24.4.2014.**
- EXT.P7: TRUE COPY OF THE 1ST DRAWING.**
- EXT.P8: TRUE COPY OF THE 2ND DRAWING.**
- EXT.P9: TRUE COPY OF THE G.O.(RT) NO.3085/14/RD.**
- EXT.P10: TRUE COPY OF THE NOTICE DATED 2.8.14.**
- EXT.P11: TRUE COPY OF THE JUDGMENT DATED 30.1.2015 IN WP(C)
27009/2014.**
- EXT.P12: TRUE COPY OF THE INFORMATION DATED 12.3.2015.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). Nos. 10736 & 10801 OF 2015

Dated this the 07th day of July, 2015

JUDGMENT

The issue raised in these writ petitions is covered by the common judgment of this Court in W.P.(C). Nos. 27100/2014 and 27302/2014. Those writ petitions were filed by land owners covered by the same notification. It was held therein that the land acquisition proceedings have not lapsed for infraction of the time limit prescribed under the Land Acquisition Act, 1894.

2. I am not persuaded to take a different view and the reasons given in the common judgment will govern these writ petitions also. The common judgment clarifies that further proceedings in respect of the acquisition shall be continued under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This is by virtue of Section 24(1)(a) of the said Act and it would suffice if it is clarified that the determination of compensation would be under the provisions of the new Act (Act 30 of 2013).

The writ petitions are disposed of.

**V. CHITAMBARESH
JUDGE**

DCS