

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 11168 of 2015 (U)

PETITIONER:

GOPI, S/O. KUNDIL BALAKRISHNAN NAIR,
IRAVIMANGALAM P.O., THRISSUR - 680 751.

BY ADV. SRI. T. N. MANOJ

RESPONDENTS:

1. THE DISTRICT COLLECTOR
THRISSUR - 680 001.
2. THE PROJECT OFFICER, NATIONAL HIGHWAY
AUTHORITY OF INDIA, ARUMUGAM COLONY,
NO.8/1187, CHANDRA NAGAR, PALAKKAD - 678 007.
3. THE SPECIAL DEPUTY COLLECTOR (LAND ACQUISITION)
NATIONAL HIGHWAY DEVELOPMENT PROJECT
THRISSUR - 680 001.
4. THE SPECIAL TAHSILDAR, (LA)
NATIONAL HIGHWAY DEVELOPMENT PROJECT
THRISSUR - 680 001.

Addl.5. THE UNION OF INDIA REPRESENTED BY
THE SECRETARY, MINISTRY OF TRANSPORT
AND HIGHWAYS, TRANSPORT BHAVAN NEW DELHI-110 001.

ADDL.R5 IMPEADED AS PER ORDER DATED 28.05.2015 IN IA 6727/15.

R2 BY ADV. SRI. ANISH JAIN, CGC
R2 BY ADV. SRI. THOMAS ANTONY
R3 BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF RELEVANT PORTION OF NOTIFICATION APPEARED IN MATHRUBHUMI DAILY DATED 10/8/2007.
- EXT.P2 : TRUE COPY OF THE PROCEEDINGS IN LAC 473/2009 AWARDED COMPENSATION IN FAVOR OF THE PETITIONER.
- EXT.P3 : TRUE COPY OF AWARD NO.LAC, 473/2009 DT.4/4/2013 OF THE 1ST RESPONDENT, AWARDED ENHANCED COMPENSATION IN FAVOR OF THE PETITIONER.
- EXT.P4 : TRUE COPY OF LETTER DATED 8/11/2012 BY THE 3RD RESPONDENT IN FAVOR OF THE 2ND RESPONDENT.
- EXT.P5 : TRUE COPY OF LETTER DT.12/9/2013 OF THE 3RD RESPONDENT, IN FAVOR OF THE 2ND RESPONDENT.
- EXT.P6 : TRUE COPY OF REPRESENTATION DT.21/11/2013 BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 11168 OF 2015

Dated this the 5th day of August, 2015

JUDGMENT

The contention of the petitioner is that a larger extent than was originally notified is being acquired for the National Highway. The third respondent has filed a counter affidavit wherein it is inter alia averred as follows:

"5. It is submitted that in the original 3D notification only 0.0650 H in Survey No. 489/3 was include as land acquired. For paying compensation to the excess area of 0.0120 H this extent has to be notified. Even though the extent is small the whole LA proceedings has to initiate afresh. Now steps are being taken to send proposal for 3A to the NHAI. This has to be approved by Central Government and has published in the Government of India Gazette. After publication of 3A, objection to be called for from interested persons. 3D has to be published within 1 year from the date of 3A notification. Therefore after statutory notification compensation of 0.0052 H of land belonged to the petitioner will be paid to him."

The apprehension of the petitioner that a larger extent would be consumed even without a fresh notification is therefore misplaced.

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2. The second respondent has filed a statement wherein it is stated as follows:

“The Central Government is taking steps for acquiring the 52 sqm of land that was omitted by mistake, from the petitioner by publishing the Sec. 3A notification. The area of 52 sqm of land will be taken possession only after completing all legal formalities prescribed in the NH Act 1956 by the SLAO & CALA. It is once again submitted that NHAI is not having any power to acquire land. The Central Government acquires the land required for the development of the National Highways and the acquired land is handed over to the NHAI free of all encumbrances.”

The apprehension of the petitioner that he would be dispossessed even without completing the legal formalities is also misplaced.

No directions are warranted in view of the stand taken by respondents 2 and 3. The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd