

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 11424 of 2014 (C)

PETITIONER:

**INDIRA K NAIR @ KALYANIKUTTI AMMA
AGED 71 YEARS, W/O.KUTTIKRISHNAN NAIR, 'SREE HARI'
GOVERNMENT HOUSING COMPLEX ROAD, THIRUVENKIDOM
GURUVAYOOR 680 101.**

BY ADV. SRI.RAJIT

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM – 695 001**
- 2. DISTRICT COLLECTOR
THRISSUR, AYYANTHOLE COLLECTORATE,
THRISSUR DISTRICT – 680 001**
- 3. SR.DEPUTY GENERAL MANAGER
SOUTHERN RAILWAYS, VIGILANCE
PARK TOWN, CHENNAI - 600 003.**
- 4. ACQUISITION OFFICER AND SPECIAL TAHSILDAR (LA)
GURUVAYUR TANUR RAILWAY LANE, GURUVAYUR – 680 502**

**R1 & R2 BY SR. GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
R3 BY ADVS. SRI.N.B.SUNIL NATH, SC, RAILWAYS
R3 & R4 BY SRI.C.S.DIAS, SC, RAILWAYS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 COPY OF THE NOTIFICATION B2-51/2012**
- EXHIBIT P2 COPY OF THE AGREEMENT BETWEEN THE PETITIONER AND
RESPONDENTS 3 & 4**
- EXHIBIT P3 COPY OF THE PHOTOSTAT COPY OF THE PHOTOGRAPHS SHOWING
THE ERECTION OF THE FOOT OVER BRIDGE**
- EXHIBIT P4 COPY OF THE LETTER ISSUED FROM THE OFFICE OF THE 2ND
RESPONDENT BEARING NO.E3-1528/12 DATED 16/1/2014**
- EXHIBIT P5 COPY OF THE REPRESENTATION DATED 4/2/2014**
- EXHIBIT P6 TRUE COPY OF THE AGREEMENT EXECUTED UNDER FORM NO. 10
(a) BY THE PETITIONER**

RESPONDENT(S)' EXHIBITS:-

- EXHIBIT R-3(1) COPY OF LETTER DATED 08.07.2013 SENT BY THE CHIEF
ADMINISTRATIVE OFFICER, CONSTRUCTION BRANCH,
SOUTHERN RAILWAY, ERNAKULAM**
- EXHIBIT R-3(2) COPY OF LETTER DATED 06.05.2014 SENT BY THE CHIEF
ADMINISTRATIVE OFFICER, CONSTRUCTION BRANCH,
SOUTHERN RAILWAY, ERNAKULAM**
- EXHIBIT R-3(3) COPY OF LETTER DATED 30.05.2014 ADDRESSED TO THE 1ST
RESPONDENT**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 11424 OF 2014

Dated this the 19th day of June, 2015

JUDGMENT

It cannot be disputed that the value awarded for adjacent property are far less as detailed below:-

- i) Award No. 1/11 - Rs. 2,68,061 per Are
- ii) Award No. 2/11 - Rs. 3,35,213 per Are
- iii) Award No. 3/11 - Rs. 3,78,943 per Are

2. But the value awarded for the land of the petitioner is at the rate of Rs. 17,56,829 per Are. A total amount of Rs. 51,47,511/- has been paid to the petitioner under Ext. P6 agreement. Clause 3 of Ext. P6 agreement is as follows:-

“(3) That the owner and the interested party shall not claim any amount in addition to the amount agreed upon as aforesaid as compensation and accept it without any protest.”

3. The petitioner having accepted the amount without demur cannot turn around and claim interest. The petitioner claims interest on the sum from the date of

negotiated settlement (15.07.2013). This interest is so claimed at 18% per annum till the date of actual disbursement (13.11.2014). Such a claim is untenable in view of Ext. P6 agreement and the receipt of the same without protest.

The writ petition fails and is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS