

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE V.CHITAMBARESH**

**FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937**

**WP(C).No. 12088 of 2015 (I)**  
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**PETITIONER:**  
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**DR.U.JAYAPRAKASH, AGED 68 YEARS  
W/O.LATE DR.RAGHAVAN, BORN & JOINT HOSPITAL  
ERANHIPPALAM PO, KOZHIKODE**

**BY ADV. SRI.JESWIN P.VARGHESE**

**RESPONDENTS:**  
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- 1. THE DISTRICT COLLECTOR  
CIVIL STATION, KOZHIKODE PIN 673 020.**
- 2. THE SPECIAL TAHSILDAR (LAND ACQUISITION)  
CIVIL STATION, KOZHIKODE PIN 673 020.**

**BY GOVERNMENT PLEADER SRI. GIKKU JACOB**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**DCS**

**WP(C).No. 12088 of 2015 (I)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT P1    COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER  
                  BEFORE THE 2ND RESPONDENT U/S 18 OF THE LAND  
                  ACQUISITION ACT**

**EXHIBIT P2    COPY OF THE LETTER NO.A 1277/05 ISSUED BY THE 2ND  
                  RESPONDENT DATED 28/12/2011**

**RESPONDENT(S)' EXHIBITS:- NIL**  
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**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**

**V.CHITAMBARESH,J.**

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**W.P.(C) No.12088 of 2015**  
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Dated this the 22<sup>nd</sup> day of May, 2015

**J U D G M E N T**

The award was passed on 01.06.2005 followed by Ext. P1 application under Section 18 of the Land Acquisition Act on 16.08.2005. The petitioner asserts that Ext. P1 application is filed in time as per Section 18(2)(b) of the Land Acquisition Act, 1894. The receipt of Ext.P1 application is admittedly seen entered in the disbursement register maintained in the office. The Government Pleader however submits that the entire file relating to the acquisition in question cannot now be traced out.

2. The petitioner has produced the copy of Ext. P1 application before the second respondent reiterating his claim. It is only proper that the said application is allowed and the matter referred under Section 18 of the Land Acquisition Act, 1894. A re-determination of the compensation due to the petitioner cannot be negated for the reasons aforestated.

3. The respondents are directed to make a reference to the Court of the Subordinate Judge of Kozhikode under

Section 18 of the Land Acquisition Act, 1894 in respect of the acquisition in question. The same shall be done within a period of one month from the date of production of a copy of this judgment.

The writ petition is disposed of.

**V.CHITAMBARESH  
JUDGE**

DCS