

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 12383 of 2015 (W)

PETITIONER:

**ALEXANDER KURIAN, AGED 62 YEARS
S/O.LATE V.K.KURIAN, RESIDING AT 5-A, LINK HEIGHTS
PANAMPILLY NAGAR, PERUMANUR DESOM
ERNAKULAM VILLAGE - 682 036.**

BY ADV. SRI.BIJU ABRAHAM

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPUAM - 695 001.**
- 2. DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION, KAKKANAD
ERNAKULAM - 682 030.**
- 3. TAHSILDAR (LA), NH NO.3,
VYTTILA, KOCHI - 682 019.**
- 4. INLAND WATERWAYS AUTHORITY OF INDIA,
REPRESENTED BY ITS DIRECTOR, REGIONAL OFFICE, 1/631/A
KANNADIKADU AREA (MARADU YARD), MARADU.P.O.
KOCHI - 682 304.**
- 5. NATIONAL HIGHWAY AUTHORITY OF INDIA,
REPRESENTED BY ITS PROJECT DIRECTOR
THARAKAN'S HOUSE NO.IV/550, 1ST FLOOR, RAJAGIRI ROAD
KALAMASSERY - 683 104.**
- 6. THE MARADU MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MARADU
ERNAKULAM - 682 304.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI. GIKKU JACOB
R4 BY ADV.SRI.V.SANTHARAM, SC, IWAI
R5 BY ADV.SRI.THOMAS ANTONY
R6 BY ADV.SRI.T.R.RAJAN SC, MARADU MUNICIPALITY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 12383 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: A TRUE COPY OF THE NOTIFICATION PUBLISHED BY THE 3RD
RESPONDENT DATED 15-03-2013 IN DESHABHIMANI DAILY.**

**EXT.P2: A TRUE COPY OF THE SKETCH SHOWING THE PROPOSED
LAYOUTS OF ROAD AND AREA EQUIRED TO BE ACQUIRED FOR
WIDENING THE EXISTING ROAD FOR THE PURPOSE OF
VEHICULAR TRAFFIC TO THE TERMINAL.**

RESPONDENT(S)' EXHIBITS:-

**EXT.R4(a): A TRUE COPY OF THE COMMON JUDGMENT DATED 14.08.2014 IN
W.P.(C). NO. 9232 OF 2013 AND OTHER WRIT PETITIONS**

**EXT.R4(b): A TRUE COPY OF THE JUDGMENT DATED 20.01.2015 IN W.A. NO.
1897 OF 2014**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 12383 OF 2015

Dated this the 24th day of June, 2015

JUDGMENT

Ext. P1 certificate is one issued under the Kerala Survey and Boundaries Act, 1961. The said notification has already been upheld in Exts. R4(a) and R4(b) judgments. I am not persuaded to take a different view in that matter.

2. The claim of the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is however safeguarded. Such protection was granted even in Exts. R4(a) and R4(b) judgments referred to above.

3. It appears that a notification under Section 4(1) of the Land Acquisition Act, 1894 was earlier published. But it is now reported that the said notification has since been withdrawn.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS