

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 16186 of 2013 (W)

PETITIONER:

T.V.DEVAPRASAD, S/O. VASAVAN,
MANAGING PARTNER, M/S. VYTTILA OIL MILLS,
VYTTILA, KOCHI-682 019.

BY ADVS. SRI. N. N. SUGUNAPALAN (SR.)
SRI. S. SUJIN

RESPONDENTS:

1. THE SPECIAL TAHSILDAR (LA),
COCHIN CORPORATION,
VYTTILA, KOCHI-19.
2. THE DISTRICT COLLECTOR, ERNAKULAM,
COLLECTORATE, KAKKANAD.
3. THE PRINCIPAL SECRETARY,
DEPARTMENT OF TRANSPORT,
GOVT. OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
4. STATE OF KERALA REPRESENTED BY
THE CHIEF SECRETARY TO GOVT.,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
5. VYTTILA MOBILITY HUB SOCIETY, VYTTILA,
KOCHI-682 019, REPRESENTED BY ITS
MANAGING DIRECTOR, SMT. BEENA, IAS.
6. THE COCHIN DEVASWOM BOARD, THRISSUR
REPRESENTED BY ITS SECRETARY

R5 BY ADV. SRI. M. AJAY

R5 BY ADV. SRI. K. R. RAJKUMAR

R5 BY ADV. SRI. V. P. PRASAD

R1 BY GOVERNMENT PLEADER SRI. T. R. RAJESH

R6 BY ADV. SRI. KRISHNA MENON, SC, COCHIN DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE CHIEF MINISTER OF KERALA, DTD.22.8.2011.
- EXHIBIT P2 : COPY OF THE NOTIFICATION DTD.8.3.2012 ISSUED BY THE GOVT. OF KERALA AND PUBLISHED IN THE OFFICIAL GAZETTE OF 13.3.2012.
- EXHIBIT P3 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE CHIEF MINISTER OF KERALA DTD.9.7.2012.
- EXHIBIT P4 : COPY OF THE SKETCH SHOWING THE LOCATION AND LIE OF THE PROPERTIES SOUGHT TO BE ACQUIRED.
- EXHIBIT P5 : COPY OF THE GO(MS)NO.182/2012/RD DTD.3.5.2012.
- EXHIBIT P6 : COPY OF THE RELEVANT PAGE OF THE NEWS ITEM PUBLISHED IN NEW INDIAN EXPRESS DTD.24.6.2013.
- EXHIBIT P7 : TRUE COPY OF THE DD DATED 22.03.2013.
- EXHIBIT P8 : TRUE COPY OF THE COMMUNICATION DATED 23.12.2014.
- EXHIBIT P9 : TRUE COPY OF THE GO(Rt) 3085/14 DATED 05.07.2014.
- EXHIBIT P10 : TRUE COPY OF THE NOTICE TO TAKE POSSESSION OF THE PROPERTY HAS BEEN ISSUED BY THE LAND ACQUISITION OFFICER.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 16186 OF 2013

Dated this the 27th day of February, 2015

JUDGMENT

All that the petitioner wants is to safeguard his right under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the Act' for short). The petitioner is willing to accept the amount offered by the respondents and hand over possession of the property without prejudice to his right under the Act. The Government Pleader has also no objection to this course since the payment now being made to the petitioner is adhoc and would be subject to further determination under the Act.

2. The petitioner is given a period of two weeks time to hand over possession of the property where an oil mill is presently run. The writ petition is disposed of clarifying that the amount so arrived at and being paid to the petitioner will be without prejudice to the right to seek determination of proper compensation under the Act.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**