

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C).No. 13700 of 2015 (J)

PETITIONER(S):

**P.G.PRABHATH AGED 54 YEARS
S/O.GOPALAN, 'GURUKRIPA', UNICHIRA
CHANGAPUZHA NAGAR, KOCHI-33.**

**BY ADVS.SRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY
LAND REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR
INTEGRATED FISHERIES PROJECT, COCHIN
OFFICE OF THE NATIONAL INSTITUTE OF FISHERIES, COCHIN-16.**
- 3. THE ACCOUNTS OFFICER
OFFICE OF THE NATIONAL INSTITUTE OF FISHERIES
POST HARVEST TECHNOLOGY AND TRAINING , COCHIN-16.**

- ADDL.R4 SRI. P.G. SIVA PRAKASH, B1, 2ND FLOOR,
V.B. ENCLAVE, AZAD ROAD, KALOOR, KOCHI - 682 013**
- ADDL.R5 SRI. P.G. SUDHEER @CHIDUVILAS, 12/83 D, SREEPADAM,
NANJE GOWDER LAYOUT, RAJALEKSHMI COLONY, TVS NAGAR,
COIMBATORE - 25, TAMIL NADU**
- ADDL.R6 SRI. P.G. CHILPRAKASH, 160, MATHER NAGAR
SOUTH KALAMASSERRY, CHANGAPUZHA NAGAR PO, ERNAKULAM**
- ADDL.R7 SRI. P.G. RAMESH, B-243, 7TH FLOOR, ARAVALLI BUILDING,
IIT BOMBAY, HILL SIDE ,POWAI, MUMBAI, PIN - 400 076**

**(ADDITIONAL RESPONDENTS 4 TO 7 ARE IMPEADED AS PER ORDER
DATED 03.09.2015 IN IA No.8918 OF 2015)**

**R2,R 3 BY ADV. SRI.MOHAN C.MENON
R5 BY ADV. SRI.T.R.RAJAN
R6 BY ADV. SRI.S.SREEKUMAR (SR.)
R6 BY ADV. SRI.P.MARTIN JOSE
R6 BY ADV. SRI.THOMAS P.KURUVILLA
R6 BY ADV. SRI.P.PRIJITH
R BY GOVERNMENT PLEADER, SMT. LILLY K.T.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 :** TRUE COPY OF THE LETTER NO.IFP/WORKS/1-23/88/VOL.V/3827
DT.30-9-09 ISSUED BY THE R2.
- EXT.P2 :** TRUE COPY OF THE RECEIPT OF PAYMENT DT.8-10-2009 ISSUED
BY R3.
- EXT.P3 :** TRUE COPY OF THE JUDGMENT DT.6-3-2014 IN EXFA 16/2012 OF THIS
HON'BLE COURT.
- EXT.P4 :** TRUE COPY OF THE NOTICE NO.IFP/WORKS/1-23/88/VOL.VIII/548,
DT.3-3-2015 ISSUED BY R3.
- EXT.P5 :** TRUE COPY OF THE REPRESENTATION DT.23-4-15 GIVEN TO R2.
- EXT.P6 :** TRUE COPY OF THE REPRESENTATION DT.23-4-15 GIVEN TO R3.
- EXT.P7 :** TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARDS.

RESPONDENT(S)' EXHIBITS

- EXT.R3(a)** TRUE COPY OF THE REPLY (REGISTERED POST) DATED 05.05.2015
GIVEN BY RESPONDENTS 2 & 3

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.
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W.P.(C). No. 13700 of 2015
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Dated this the 3rd day of September, 2015

JUDGMENT

The petitioner in the writ petition is a co-owner of an extent of 44.1 Ares of land in Sy.No.377/7 of Ernakulam Village, Kanayannur Taluk, which was acquired by the official respondents for the 2nd respondent. It would appear that, while compensation amounts were granted in respect of the lands acquired, the petitioner as well as the other co-owners of the land had approached the Reference Court for enhancement of compensation and the same was awarded. Against the grant of enhanced compensation, the 2nd respondent preferred Land Acquisition Appeals before this Court and in the said proceedings, there was a substantial reduction of the compensation amount that was awarded to the petitioner and other co-owners of the land. The facts in the writ petition would disclose that during the pendency of the appeal before this Court, 50% of the enhanced compensation amounts, that were awarded by the Court below, had already been disbursed to the petitioner and the other co-owners of the land. With the passing of the judgment in the Land Acquisition Appeal, certain amounts came to be recoverable from the petitioner and other co-owners, since there was a substantial reduction of the compensation amounts, that was granted initially to the petitioner

and the other co-owners. In the writ petition, the petitioner is aggrieved by the steps taken by the 2nd respondent for recovery, of the entire excess amounts paid to all the co-owners of the land acquired, from the petitioner alone. The prayer in the writ petition is essentially, for a direction to permit the petitioner to remit 1/5th of the amount, that was demanded by the 2nd respondent and to relegate the 2nd respondent to his remedy of recovering the balance amounts from the other co-owners of the property.

During the pendency of the writ petition, the other co-owners of the property have also got themselves impleaded in the writ petition as additional respondents 4 to 7. It is the submission of counsel for the 2nd respondent that the petitioner, as well as the other co-owners of the property, who are additional respondents 4 to 7, have together settled their liability towards the 2nd respondent. He produces certificates dated 15.07.2015 issued by the 2nd respondent to substantiate the said submission. Taking note of the fact that the petitioner and the additional respondents 4 to 7 have paid the amounts due to the 2nd respondent in full and final settlement of their liability, this Writ Petition is closed taking note of the above submissions of the learned Standing Counsel for the 2nd respondent.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE