

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 17578 of 2010 (V)

PETITIONER:

**PANDARI MADHAVI
W/O.NARAYANAN, AGED 85 YEARS, RESIDING AT GEETHALAYAM
KUNHIMANGALAM P.O., EDAT, PAYYANNUR, KANNUR DISTRICT.**

BY ADV. SRI.VN.RAMESAN NAMBISAN

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR
KANNUR.**
- 2. THE SPECIAL TAHSILDAR (LA) N.H.
KANNUR.**

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 17578 of 2010 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF APPLICATION DATED 23.6.1995 FILED BY THE PETITIONER UNDER SECTION 28A OF THE LAND ACQUISITION ACT**
- P2 : COPY OF THE POSTAL ACKNOWLEDGMENT CARD DATED 26.06.1995**
- P3 : COPY OF THE PETITION DATED 19.09.2009 FILED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT**
- P4 : COPY OF THE LETTER NO. D. 1237/95 DATED 26.10.2009 ISSUED BY THE 2ND RESPONDENT STATING THAT AS PER AN ORDER DATED 19.06.2002, EXHIBIT P1 WAS REJECTED**
- P5 : COPY OF THE ORDER DTD.19.06.2002 REJECTING EXHIBIT P1 APPLICATION**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 17578 OF 2010

Dated this the 24th day of February, 2015

JUDGMENT

There need not be any protest while receiving the compensation amount in order to maintain a reference under Section 28A of the Land Acquisition Act, 1894. Such protest is necessary only when a reference under Section 18 of the Land Acquisition Act is made.

2. Ext. P5 order negating the claim of the petitioner for reference under Section 28A of the Land Acquisition Act is accordingly quashed. The second respondent is directed to reconsider Ext. P1 application put in by the petitioner under Section 28A of the Land Acquisition Act. The needful shall be done with notice to the petitioner within a period of two months.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS