

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 14798 of 2015 (Y)

PETITIONER:

**THE TRAVANCORE DEVASWOM BOARD
NANTHANKODE, THIRUVANANTHAPURAM-695003
REPRESENTED BY ITS SECRETARY IN CHARGE**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO
GOVERNMENT, DEPARTMENT OF REVENUE(DEVASWOM)
THIRUVANANTHAPURAM-695001**
- 2. THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM-695001**
- 3. THE TAHSILDAR
THIRUVANANTHAPURAM TALUK, THIRUVANANTHAPURAM DIST**
- 4. SMT N.N. PADMAJA
HOUSE NO 51, SREE NAGAR, PARUTHIPPARA
THIRUVANANTHAPURAM DISTRICT**

**R4 BY ADV. SRI.RAM MOHAN.G.
R4 BY ADV. SRI.G.P.SHINOD
R4 BY ADV. SRI.MANU V.
R4 BY ADV. SRI.GOVIND PADMANAABHAN
R1-R4 BY SRI LILLY K.T., GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- COPY OF THE RESOLUTION NO R O C 7546/05/LAND DTD 22/11/2005
- P2:- COPY OF THE DETAILS OF LAND REQUIRED AS INTIMATED TO THE DISTRICT COLLECTOR, IN FORM NO 2 OF SECTION 4(1) OF THE ACT
- P3:- COPY OF THE LOCATION SKETCH OF THE LANDS PROPOSED TO BE ACQUIRED AS PREPARED BY THE VILLAGE OFFICER
- P4:- COPY OF THE INSPECTION REPORT ON THE LAND RELATED MATTERS OF TRAVANCORE DEVASWOM BOARD, SUBMITTED BY THE LAND SPECIAL OFFICER, TRAVANCORE DEVASWOM BOARD, TRIVANDRUM DTD 18/1/2007
- P5:- COPY OF THE ORDER NO R O C NO 7546/LAND DTD 28/7/2008
- P6:- COPY OF THE LAND VALUE CERTIFICATE NO B11-4784/08/L.DIS DTD 3/2/2008
- P7:- COPY OF THE MINUTES OF THE BOARD DTD 4/4/2009
- P8:- COPY OF THE RESOLUTION PASSED BY THE BOARD ON 24/5/2011
- P9:- COPY OF THE COVERING LETTER NO ROC 7546/05/L DTD 6/6/2011
- P10:- COPY OF THE REPORT DTD 7/10/2011 GIVEN BY THE DISTRICT COLLECTOR
- P11:- COPY OF THE REPORT DTD 8/5/2012
- P12:- COPY OF THE REPORT DTD 23/5/2012 IN TDB REPORT NO 80/2012 IN DBP NO 40/2009 DTD 23/5/2012
- P12(A):-COPY OF THE ORDER DTD 25/3/2013 IN DBP NO 40 OF 2009
- P13:- COPY OF THE REPORT DTD 13/6/2013 SUBMITTED BEFORE THE BOARD BY THE CHIEF EXECUTIVE ENGINEER(ESTATE DIVISION)AND EXECUTIVE ENGINEER, THIRUVANANTHAPURAM
- P14:- COPY OF THE LETTER NO 27888/DEV.2/2011/RD DTD 10/10/2013

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

PA TO JUDGE

JV

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).No.14798 of 2015

Dated this the 23rd day of November, 2015

JUDGMENT

The challenge in the writ petition is against Ext.P14 order that is passed by the 1st respondent in response to a request by the petitioner Board for acquisition of certain lands by invoking the provisions of the Kerala Land Acquisition Act.

2. By Ext.P14 order passed by the 1st respondent, the request of the petitioner was denied. The sole ground urged on behalf of the petitioner, at the time of hearing, is that Ext.P14 order was passed without hearing the petitioner and therefore is vitiated by a non-compliance with the rules of natural justice.

3. I have heard the learned counsel for the petitioner as also the learned Government Pleader for respondents 1 to 3.

4. The learned Government Pleader, on instructions, would submit that the 1st respondent has no objection in hearing the

petitioner and passing a fresh order in the matter. Taking note of the said submission of the learned Government Pleader on instructions, I quash Ext.P14, and direct the 1st respondent to pass fresh orders on Ext.P9 request preferred by the petitioner for acquisition of lands, within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner and the 4th respondent.

The writ petition is disposed as above.

SD/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

JV