

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 19234 of 2010 (D)

PETITIONER:

**PUTHIYA PARAMBATH MANIKKAM,
W/O.M.KUNHIRAMAN, AGED 74 YEARS, RESIDING AT
RAMANTHALI AMSOM, P.O.RAMANTHALI, KANNUR DISTRICT.**

BY ADV. SRI.VN.RAMESAN NAMBISAN

RESPONDENTS:

**1. THE DISTRICT COLLECTOR,
KANNUR.**

**2. THE SPECIAL TAHSILDAR (LAND ACQUISITION)
NAVAL ACADEMY, PAYYANNUR.**

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF APPLICATION DATED 28.11.2000 UNDER SECTION 28A(3)
SUBMITTED BY THE PETITIONER**
- P2 : COPY OF THE ORDER NO. 1832/05A DATED 3.1.2008 ISSUED BY THE 2ND
RESPONDENT REJECTING EXHIBIT P1 APPLICATION SUBMITTED
UNDER SECTION 28A(3) OF L.A. ACT**
- P3 : COPY OF THE FORM D CHEQUE DATED 18.11.2000**
- P3(a) : COPY OF LETTER ISSUED BY THE 2ND RESPONDENT TO THE DISTRICT
TREASURY OFFICER**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 19234 OF 2010

Dated this the 27th day of May, 2015

JUDGMENT

The second respondent did entertain the application put in by the petitioner under Section 28A(1) of the Land Acquisition Act, 1894. This is evident from Ext. P3 acknowledgment of the cheque received for redetermination of the compensation.

2. But then Ext. P1 application filed under Section 28A(3) of the Land Acquisition Act, 1894 was rejected by Ext. P2 order. The reason stated therein is that the survey number of the property and the judgment on the basis of which reference is sought were not stated.

3. I do feel that a hyper technical approach has been adopted by the respondents in passing Ext. P2 order. The basis of the claim and also the survey number of the property were well evident while considering the application under Section 28A(1) of the Land Acquisition Act, 1894. The basis or identity of the property will not lose substratum by the time the application under Section

28A(3) of the Land Acquisition Act, 1894 is considered.

4. I quash Ext. P2 order and direct the respondents to reconsider Ext. P1 application in accordance with law. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment after notice to the petitioner.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

DCS