

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 16133 of 2015 (N)

PETITIONER:

K.P. KAIRUNNISSA ABDULKAREEM, AGED 60 YEARS,
W/O. ABDULKAREEM, PARILAKATHOOT HOUSE,
APSARA GARDENS, KODER LANE, ALUVA PIN - 683 101.

BY ADVS. SRI. K. S. SAJEEV KUMAR
LAJI SAM ZACHARIAH

RESPONDENTS:-

1. THE DISTRICT COLLECTOR
ERNAKULAM, COLLECTORATE,
KAKKANAD, KOCHI - 682 030.
2. THE VILLAGE OFFICER
ALUVA - 683 101.
3. THE SPECIAL TAHSILDAR, LAND ACQUISITION NO.2,
KOCHI METRO RAIL PROJECT, COLLECTORATE,
CIVIL STATION, KAKKANAD, ERNAKULAM, KOCHI - 682 030.
4. THE SUPERINTENDENT, SURVEY AND LAND RECORDS,
COLLECTORATE, KAKKANAD, ERNAKULAM, KOCHI - 682 030.
5. THE STATE OF KERALA REPRESENTED BY
ITS CHIEF SECRETARY TO GOVERNMENT
DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM PIN - 695 001.

Addl.6. THE KOCHI METRO RAIL LIMITED
8TH FLOOR, REVENUE TOWER, KOCHI - 682 011
REPRESENTED BY ITS MANAGING DIRECTOR.

ADDL.R6 IMPEADED AS PER ORDER DATED 20.07.2015 IN IA 10020/15.

R6 BY ADV. SRI. K. JAJU BABU (SR.)
R6 BY ADV. SMT. M. U. VIJAYALAKSHMI, SC, KOCHI METRO RAIL LTD.
BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - A TRUE COPY OF THE POSSESSION CERTIFICATE NO. 891/10 DT. 03/2010/
- EXHIBIT P2 - A TRUE COPY OF THE LOCATION SKETCH ISSUED BY VILLAGE OFFICER, ALUVA.
- EXHIBIT P3 - A TRUE COPY OF THE SITE PLAN ISSUED BY THE VILLAGE OFFICER, ALUVA.
- EXHIBIT P4 - A TRUE COPY OF THE TAX RECEIPT DT. 24.8.02 ISSUED BY VILLAGE OFFICER, ALUVA.
- EXHIBIT P5 - A TRUE COPY OF THE NOTIFICATION NO. 48/13/LAII PUBLISHED IN DESHABHIMANIDAILY DT. 08.9.13.
- EXHIBIT P6 - A TRUE COPY OF THE NOTICE NO. A2- 48/2013/LAII(1) DT. 03.10.13.
- EXHIBIT P7 - A TRUE COPY OF THE LETTER DT. 12.12.13 ISSUED BY THE PETITIONER TO THE FIRST RESPONDENT.
- EXHIBIT P8 - A TRUE COPY OF THE LETTER DT. 13.12.13 ISSUED BY THE MANAGER, METRO RAIL PROJECT LTD, KOCHI.
- EXHIBIT P9 - A TRUE COPY OF THE LETTER NO. L1-84808/13 DT. 28.2.14 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER
- EXHIBIT P10 - A TRUE COPY OF THE NOTIE NO. 4837 DT. 14.5.14 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P11 - A TRUE COPY OF THE LETTER LAC NO. 9/14/LAII DT. 30.10.14.
- EXHIBIT P12 - A TRUE COPY OF THE REPRESENTATION DT. 12.11.14 SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT.
- EXHIBIT P13 - A TRUE COPY OF THE SAID LETTER L.A.C NO. 09/14/LAII DT. 02.12.14 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P14 - A TRUE COPY OF THE JUDGENT DT. 09.1.15 IN WPC NO. 33945/14 BEFORE THIS HON'BLE COURT.
- EXHIBIT P15 - A TRUE COPY OF THE LETTER LAC NO. 09/14/LAII DT. 19.2.15.
- EXHIBIT P16 - A TRUE COPY OF THE REPRESENTATION T. 24.2.15 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P17 - A TRUE COPY OF THE ORDER LAC NO. 09/04/L.A2 DT. 13.3.15.
- EXHIBIT P18 - A TRUE COPY OF THE CIRCULAR NO. G3 4643/94 DT. 24.12.94 ISSUED BY THE DISTRICT COLLECTOR, ERNAKULAM.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 16133 OF 2015

Dated this the 4th day of August, 2015

JUDGMENT

Ext.P18 circular concludes the fact that the extent of the property acquired has to be identified on the basis of resurvey numbers. The said circular shall be followed by the respondents in the matter of computation of compensation amount due to the petitioner for the Kochi Metro Rail Project. The amount shall be disbursed to the petitioner accordingly within a period of three weeks from today.

2. The receipt of the amount is however without prejudice to the right of the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd