

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 18982 of 2013 (W)

PETITIONERS:

1. T.K.KARTHIYAYANI
W/O.M.K. KRISHNAN, MANGAL HOUSE, MOOVATTUPUZHA.
2. ABDUL KARIM,
S/O. MOHMED, KALARIKKAL HOUSE, MULAVOOR VILLAGE
MULAVOOR KARA, MUVATTUPUZHA.
3. SAIDU MOHAMMED,
S/O. ALIYAR, ULLARKUDIYIL HOUSE, MULVAOOR VILLAGE
MULAVOOR KARA, MUVATTUPUZHA.

BY ADVS.SRI.T.V.GEORGE
SRI.JIMMY GEORGE (THADATHIL)

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO PUBLICS WORKS DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. THE DISTRICT COLLECTOR,
ERNAKULAM-682030.
3. THE REVENUE DIVISIONAL OFFICER,
(LAND ACQUISITION OFFICER), MUVATTUPUZHA-686661.
4. THE EXECUTIVE ENGINEER,
P.W.D (ROADS AND BRIDGES), MUVATTUPUZHA-686661.
5. THE CHIEF ENGINEER
P.W.D (ROADS AND BRIDGES), THIRUVANANTHAPURAM-695001.

R1-R5 BY ADV. GOVERNMENT PLEADER SMT. SUNITHA VINOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 18982 of 2013 (W)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE SKETCH DISPLAYING THE ORIGINAL ALIGNMENT.

EXHIBIT-P2-TRUE COPY OF THE SKETCH DISPLAYING THE ALTERED ALIGNMENT.

EXHIBIT-P3-TRUE COPY OF THE REPRESENTATION DATED 28/05/2008 FILED BY
THE 2ND PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT-P4-TRUE COPY OF THE NOTICE DATED 24/05/2008 ISSUED BY THE 3RD
RESPONDENT.

EXHIBIT-P5-TRUE COPY OF THE JUDGMENT DATED 12/03/2013 IN W.P(C)
33724/2008 OF THIS HONOURABLE COURT.

EXHIBIT-P6-TRUE COPY OF THE REJECTION ORDER DATED 15/06/2013 PASSED
BY THE 4TH RESPONDENT.

RESPONDENT(S) ' EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

SCL.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18982 of 2013

Dated this the 7th day of January, 2015

J U D G M E N T

Alleging unilateral alteration of the alignment of a public road, the petitioners have come up before this Court.

2. The 1st petitioner is a senior citizen lady and the 2nd petitioner is a small scale businessman. According to the petitioners, they are holders of land lying adjacent to each other on Muvattupuzha - Koothattukulam Road (via Pandappil) - Arakuzha, in Maradi Village, Muvattupuzha Taluk. The petitioners' property lies on the western side of the said road. On the eastern side of the road, just opposite to the petitioners' properties, there is a vacant land owned by another person. According to the petitioners, he owns an extensive area of land. The petitioners allege that the respondents decided to widen the road and prepared Ext.P1 alignment for acquisition of

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lands, according to which, only a portion of the petitioners' property would be acquired and the petitioners were willing to suffer for the public road. Their grievance is that under the coercion and political influence of some interested persons, Ext.P1 alignment was unilaterally altered by Ext.P2 alignment to the effect that the petitioners would lose large extent of their tiny properties rendering them unable to conduct any business in the remaining part.

3. The State has filed a counter affidavit stating that earlier, land acquisition process could not be completed within the time prescribed; and the land acquisition process commenced again as per Section 4(1) notification published in Government Gazette dated 24.04.2013; and accordingly, a fresh notice would be served on the petitioners for hearing in due course conducted by the State. It was also stated that the alignment was made by the Public Works Department and there is no change or alteration in the previous

alignment.

4. The previous alignment, according to the petitioners, is Ext.P1. As it is stated by the respondents that there is no change or alteration in the previous alignment, the petitioners cannot have any grievance at all.

Therefore, the writ petition is closed in the light of the stand taken by the Government that the fresh notification is in accordance with Ext.P1 alignment.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-