

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 20519 of 2010 (L)

PETITIONER:

SHYAMKUMAR, AGED 46 YEARS,
S/O. KESAVAN NAIR, YAMUNA, ATTIPRA,
KULATHOOR P.O., THIRUVANANTHAPURAM.

BY ADV. SRI. THIRUMALA P.K. MANI

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.
2. DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.
3. SPECIAL TAHSILDAR ADDITIONAL (LA) UNIT,
CIVIL STATION, KUDAPPANAKUNNU,
THIRUVANANTHAPURAM.
4. CHIEF EXECUTIVE -IN- CHARGE,
TECHNO PARK, KARIAVATTOM,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB
R4 BY ADV. SRI. ANIL THOMAS (T), SC, TECHNOPARK
R4 BY ADV. SMT. K.V. RASHMI, SC, TECHNOPARK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE NOTICE DATED 15.05.2009 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P2 : TRUE COPY OF THE OBJECTION DATED 15.06.2009 FILED BY THE WIFE OF THE PETITIONER TO THE EXT.P1 NOTICE.
- EXHIBIT P3 : TRUE COPY OF THE OBJECTION DATED 15.06.2009.
- EXHIBIT P4 : TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT DATED 30.06.2009.

RESPONDENT(S) EXHIBITS

- EXHIBIT R4(a) : TRUE COPY OF THE PROCEEDINGS NO. LRC(1) 52798 DATED 27.03.2010.
- EXHIBIT R4(b) : TRUE COPY OF THE AWARD IN LAC NO. 38/2010 DATED 31.10.2011.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 9th day of June, 2015

JUDGMENT

The writ petition has been filed challenging Ext.P1 notice issued pursuant to Section 4(1) notification. Section 5A enquiry followed and declaration was made under Section 6. Ext.R4(a) proceedings reflect that the Commissioner of Land Revenue heard the parties. The same was in relation to the plea of certain persons for exemption from acquisition.

2. Ext.R4(b) award under Section 11 of the Act was passed as early as on 31.10.2011. The acquisition is for the third phase of Technopark, Thiruvananthapuram. Even the fourth phase of acquisition for Technopark is complete. It is not shown that any application for reference under Section 18 has been made by the petitioner.

3. It is however reported that Land Acquisition References are pending. It is open to the petitioner to make a plea under Section 28A of the Land Acquisition Act. Ext.R4(b) award has not been challenged by way of amendment to the writ

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petition. The writ petition as it now stands has become infructuous.

The Writ Petition is dismissed. No costs.

**V. CHITAMBARESH
JUDGE**

ncd