

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 16950 of 2014 (P)

PETITIONER:

**SASIKALA UNNI, AGED 44 YEARS
W/O UNNI, AMMANAMKUZHI HOUSE, ELOOR NORTH
UDYOGAMANDAL P.O., PIN- 683501**

BY ADV. SRI.P.B.PRADEEP

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR
CIVIL STATION, KAKKANAD P.O, KOCHI - 682030**
- 2. THE EXECUTIVE ENGINEER,
PWD ROADS DIVISION, ERNAKULAM**
- 3. THE ASSISANT EXECUTIVE ENGINEER,
BRIDGES SUB DIVISION, KAKKANAD**
- 4. THE ASSISTANT ENGINEER,
PWD BRIDGES SECTION, ALUVA**
- 5. SPECIAL THAHASILDAR (LA),
NH NO 2, ALUVA**

BY GOVERNMENT PLEADER SRI. JOE KALLIATH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE SALE DEED NO 3603/2002 OF THE SRO
ALANGAD DATED 05-07-2002**
- EXHIBIT P2 THE CERTIFICATE OBTAINED FROM THE BANK DATED 26-06-2014
EVIDENCING LIABILITY AS ON DATE**
- EXHIBIT P3 TRUE COPY OF THE APPLICATION SUBMITTED BY THE
PETITIONER BEFORE THE FIRST RESPONDENT**
- EXHIBIT P4 TRUE COPY OF THE APPLICATION ADDRESSED TO THE MINISTER
DATED NIL**
- EXHIBIT P5 THE REPLY LETTER ISSUED FROM THE OFFICE OF THE FIRST
RESPONDENT DATED 01-02-2012**
- EXHIBIT P6 LETTER DATED 25-06-2014 BY R4 SERVED TO THE PETITIONER
DEMANDING IMMEDIATE REMOVAL OF WATER CONNECTION
AND SEPTIC TANK WITHIN 3 DAYS**
- EXHIBIT P7 A ROUGH SKETCH SHOWING THE LIE AND LOCATION OF THE
PROPERTY, EXISTING ROAD, PROPOSED NEW ROAD, BUILDING
AND SEPTIC TANK ETC**

RESPONDENT(S)' EXHIBITS:-

- EXHIBIT R4(a): COPY OF CONSENT LETTER**
- EXHIBIT R4(b): COPY OF SKETCH OF LAND**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 16950 OF 2014

Dated this the 19th day of February, 2015

JUDGMENT

The petitioner has voluntarily surrendered her land as evident by Ext. R4(a) document. The bridge across the river has already been completed and the approach road on either sides have also been laid. What remains is to link the existing road with the approach road for which the property of the petitioner is necessary.

2. The main structure of the house of the petitioner would remain intact even after the acquisition. Only the septic tank and water meter installed in the compound of the petitioner may have to be demolished. The petitioner can very well build the septic tank in the available space in between her house and the land acquired for the road. The water meter can also be shifted and it will not be conducive of public interest to shift the alignment at this eleventh hour.

3. The petitioner has a contention that her entire property can be acquired by the respondents. But then the

petitioner did not make any such plea before the award was passed in terms of Section 49 of the Land Acquisition Act. It is too late in the day to entertain such a request and the alignment cannot also be altered after the progress of work.

The writ petition fails and is dismissed. No costs.

**V. CHITAMBARESH
JUDGE**

DCS