

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

WP(C).No. 16981 of 2014 (W)

PETITIONER(S):

1. SREEJITH. M,
S/O.BALAKRISHNAN, SUBASREE, MALAPARAMBA
CHEVAYUR, CALICUT.
2. DR.M.G.S.NARAYANAN,
S/O.K.P.GOVINDA MENON, MAITRI
MALAPARAMBA HOUSING COLONY, CHEVAYUR, CALICUT.
3. DR.VENUGOPAL.P.P.,
S/O.VELAYUDHAN.P.P., 2/20928, SOUPARNIKA
SANKUNNI MASTER ROAD, OPPOSITE CIVIL STATION, CALICUT.
4. SANISH KUMAR.C.,
S/O.C.BHARATHAN, CHIRAKKAL HOUSE, MALAPARAMBA
CHEVAYUR, CALICUT.
5. JUNAIZE KAMMAPPA,
S/O.LATE DR.K.C.MOHIDEEN, 33/376-B, SERENDIP
DESODHARINI CROSS ROAD, MALAPARAMBA, CHEVAYUR
CALICUT.
6. SANTHOSH KUMAR.C.,
S/O.BHARATHAN, AJANTHA, MALAPARAMBA
CHEVAYUR, CALICUT.
7. DR.P.A. LALITHA,
D/O.K.N.A.ACHARYA, AMBLI, NADAKKAVU CROSS ROAD
CALICUT.
8. M.RAMESAN,
S/O.GOPALAN, VYSHAAVEEYAM, MALAPARAMBA
CHEVAYUR, CALICUT.
9. RAGHUTHAMAN.P.,
S/O.BALAN.P., PANCHAMI, D.C.ROAD
MALAPARAMBA, CHEVAYUR, CALICUT.

BY ADVS.SRI.B.S.SWATHY KUMAR
SRI.REMYA MURALI
SRI.A.K.RAJESH
SRI.VENKATESH GOPI

: 2 :

RESPONDENT(S):

1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN-695001.
2. THE DISTRICT COLLECTOR,
KOZHIKODE-673001.
3. THE SPECIAL TAHSILDAR (LA),
KOZHIKODE CITY ROAD IMPROVEMENT PROJECT
CIVIL STATION, KOZHIKODE-673001.
4. THE CO-ORDINATOR,
KOZHIKODE CITY ROAD IMPROVEMENT PROJECT
CIVIL STATION, KOZHIKODE-673001.
5. THE KERALA ROAD FUND BOARD,
THIRUVANANTHAPURAM - 695 001.

R4,R 5 BY ADV. SRI.ZAKIR HUSSAIN, SC, KERALA ROAD FUND BOARD
R3 BY ADV. GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16981 of 2014 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: COPY OF THE NOTIFICATION PUBLISHED ON 28.11.2011 OF THE KERALA
GAZETTE.

P2: COPY OF THE JUDGMENT IN WPC.NO.29373/2011 DATED 29.5.2013.

P3: COPY OF THE ORDER NO.G.O(RT)NO.1523/2008/PWD DATED 8.9.2008.

P4: COPY OF THE ORDER NO.G.O(MS)NO.23/2014/PWD DATED 26.2.2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.16981 of 2014

Dated this the 3rd day of February, 2015

J U D G M E N T

The urgency clause under Section 17 of the Land Acquisition Act, 1894 ['the Act' for short] has obviously been invoked in the instant case. The notification under Section 4(1) of the Act was published on 28.11.2011 and the declaration under Section 6 of the Act was made on 20.4.2013. The petitioner apprehends that the land acquisition proceedings would lapse if the Award is not passed within 2 years from the declaration under Section 6 of the Act under Section 11 A thereof.

2. There is no justification in delaying the acquisition proceedings after having invoked the urgency clause dispensing with enquiry under Section 5A of the Act. Therefore the respondents shall endeavour to pass an award in terms of Section 11 of the Act before 31.3.2015 in the circumstances. Needless to say that the compensation payable on account of acquisition has to be worked out under Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.