

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 16866 of 2015 (G)

PETITIONER(S):

1. MANIKUTTAN NAMBOOTHIRIPAD
S/O.LATE KRISHNAN NAMBOOTHIRIPAD
HOUSE NO.5/102 (5/349)
MANIVIHAR, ELAMBRAKODATH ILLAM
(VADAKKUMBHAGATH MANA)
TRIPUNITHURA, EROOR P.O.
PIN - 682 306.
2. RAMANI.P.
W/O.LATE KRISHNAN NAMBOOTHIRIPAD
HOUSE NO.5/102 (5/349)
MANIVIHAR, ELAMBRAKODATH ILLAM
(VADAKKUMBHAGATH MANA)
TRIPUNITHURA, EROOR P.O.
PIN - 682 306.
3. GEETHA.M.
D/O.LATE KRISHNAN NAMBOOTHIRIPAD
HOUSE NO.5/102 (5/349)
MANIVIHAR, ELAMBRAKODATH ILLAM
(VADAKKUMBHAGATH MANA)
TRIPUNITHURA, EROOR P.O.
PIN - 682 306.

BY ADVS.SRI.T.R.S.KUMAR
SRI.U.B.SIRAS

RESPONDENT(S):

1. THE KERALA STATE REP. ITS CHIEF SECRETARY
THIRUVANANTHAPURAM.
2. SPECIAL TAHSILDAR (LA)
RAILWAYS, ERANKULAM.

: 2 :

3. THE DISTRICT COLLECTOR, ERNAKULAM
CIVIL STATION, KAKKANADU, ERNAKULAM
PIN - 682 030.
4. THE LAND REVENUE COMMISSIONER
THIRUVANANTHAPURAM - 695 001.
5. THE ROADS AND BRIDGES DEVELOPMENT
CORPORATION OF KERALA LTD.,
2ND FLOOR, PREETHI BUILDING, M.G.ROAD
PALARIVATTOM, KOCHI - 25,
REP. BY ITS MANAGING DIRECTOR.
6. THE SECRETARY, THRIPIUNITHURA MUNICIPALITY
TRIPUNITHURA, PIN - 682 301.

R BY SR. GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKEN.
R BY SRI.V.M.KURIAN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.16866 of 2015

PETITIONER'S EXTS:

- EXT.P1 TRUE COPY OF THE AWARD DATED 3.3.2014
- EXT.P2 TRUE COPY OF THE NOTES TO AWARD FOR THE ACQUISITION
 OF VYTILA-PETTA ROAD EXPANSION.
- EXT.P3 TRUE COPY OF THE MINUTES FOR LAND VALUE FOR CHINMAYANANDA
 SWAMI ROAD.
- EXT.P4 TRUE COPY OF THE RECEIPT OF POSSESSION.
- EXT.P5 TRUE COPY OF THE 4(1) NOTIFICATION DATED 7/5/2013 IN THE
 KERALA GAZETTE.
- EXT.P6 TRUE COPY OF THE B.V.R. DATED 21.6.2013.
- EXT.P7 TRUE COPY OF THE SETTLEMENT AWARD DATED 3.3.2014
 IN LAC.NO.16/13 AND AWARD NO.16/14
- EXT.P8 TRUE COPY OF THE 9(3) NOTICE DATED 15/12/2013.
- EXT.P9 TRUE COPY OF THE CLAIM STATEMENT DATED 15.1.2014.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.16866 of 2015

Dated this the 5th day of June, 2015

J U D G M E N T

Evidently Ext.P1 Award in L.A.C.No.12/2013 was passed only on 3.3.2014. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 came into force with effect from 1.1.2014.

2. Therefore the determination of compensation under Ext.P1 Award and other statutory rights can only be treated as tentative. The same would be without prejudice to further determination under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013.

3. Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 applies. It is clarified that the right of the petitioners under the Act aforesaid remains unhindered by the receipt of compensation under Ext.P1 Award.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.