

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 20276 of 2013 (H)

PETITIONER(S):

ATTAKOYA
S/O.MUHAMMED KULIL, MOOTHAMKAKKADA HOUSE
AGATHI ISLAND, UT OF LAKSHADWEEP-682 553.

BY ADV. SRI.M.P.KRISHNAN NAIR

RESPONDENT(S):

1. THE ADMINISTRATOR
UNION TERRITORY OF LAKSHADEEP, KAVARATHI-682 555.
2. THE LAND ACQUISITION COLLECTOR
UNION TERRITORY OF LAKSHADEEP, KAVARATHI-682 555.
3. THE DEPUTY COLLECTOR
UNION TERRITORY OF LAKSHADEEP, AGATHI-682 553
4. LAKSHADEEP PUBLIC WORKS DEPARTMENT
REP. BY SUPERINTENDING ENGINEER
UNION TERRITORY OF LAKSHADEEP
KAVARATHI-683 555.

R1-R4 BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE PATTAYM NO.2938 DATED 27/9/1982.

EXHIBIT P2. TRUE COPY OF THE AUTHORISATION DATED 9/6/2011.

EXHIBIT P3. TRUE COPY OF THE REPRESENTATION DATED 10/8/2011 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT

EXHIBIT P4. TRUE COPY OF THE ORDER F NO.34/38/2009 LR DATED 14/10/2010
ALONG WITH ANNEXURE A1.

EXHIBIT P5. TRUE COPY OF THE RECEIPT FOR CHEQUE NO.281828 DATED
27/9/2011 FOR RS.2,55,528/-.

EXHIBIT P6. TRUE COPY OF THE REPRESENTATION DATED 10/10/2011 SUBMITTED
BY THE PETITIONER

EXHIBIT P7. TRUE COPY OF THE FINAL AWARD DATED 17/9/2012 PASSED BY THE
LAND ACQUISITION COLLECTOR.

EXHIBIT P8. TRUE COPY OF THE RECEIPT DATED 5/3/2013 FOR PAYMENT OF
COMPENSATION.

EXHIBIT P9. TRUE COPY OF THE LETTER DATED 14/3/2012 FROM THE
DY.COLLECTOR TO THE LAND ACQUISITION COLLECTOR.

EXHIBIT P10. TRUE COPY OF THE LETTER DATED 15.1.2014 ISSUED BY THE THIRD
RESPONDENT.

EXHIBIT P11. TRUE COPY OF THE LETTER DATED 4.12.2013 ISSUED BY THE THIRD
RESPONDENT.

EXHIBIT P12. TRUE COPY OF THE AWARD DATED 21.3.2012 ISSUED BY THE SECOND
RESPONDENT IN RESPECT OF CONSTRUCTION NEW SCHOOL
BUILDING AT KADAMAT.

EXHIBIT P13. TRUE COPY OF THE JUDGMENT DATED 27.4.2012 OF THE
HON'BLE SUPREME COURT IN C.A.No.4005/12

RESPONDENT(S)' EXHIBITS

EXT.R1(a) A TRUE COPY OF THE JUDGMENT PASSED BY THIS HON'BLE COURT IN
W.P.(C) NO.13068/2013 DATED 22.7.2013.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.20276 of 2013

Dated this the 16th day of June, 2015

J U D G M E N T

The petitioner very much participated in the Award enquiry as revealed from the proceedings dated 1.5.2012. Ext.P7 Award was passed on 17.9.2012 and the petitioner had the liberty to file an application for reference within six weeks therefrom. A period of six weeks from the date of the Award is the upper limit when the petitioner has participated in the Award enquiry. This is discernible from Section 18(2)(a) of the Land Acquisition Act, 1894.

2. The petitioner has preferred a representation after the Award only on 13.3.2013. This is evident from Ext.P11 reply given to the query made under the Right to Information Act. More than 6 weeks had elapsed on 13.3.2013 after Ext.P7 Award dated 17.9.2012 as revealed from the records.

3. The mere receipt of compensation under protest will not suffice to make a reference under Section 18 of the Act. The issue is covered by Kamalakshy v. District Collector [1998 (2) KLT 898]. No application in time has been made to warrant a

reference under Section 18 of the Land Acquisition Act. The petitioners are however free to invoke Section 28A of the Land Acquisition Act if the same is permissible.

The writ Petition is dismissed.

Sd/-
V.CHITAMBARESH,
Judge.

nj.