

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. 18062 of 2014 (G)

PETITIONER:

**SEKHARAN, AGED 60 YEARS
S/O.KOTTAN, ANNUR, P.O ANNUR
(VIA), PAYYANNUR, KANNUR DISTRICT**

BY ADV. SRI.VN.RAMESAN NAMBISAN

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR
KANNUR, PIN 670 001**
- 2. THE SPECIAL TAHSILDAR (LAND ACQUISITION), NAVAL
ACADEMY, THALASSERY, PIN 670 104**

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

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

DCS

WP(C).No. 18062 of 2014 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER
 BEFORE THE 2ND RESPONDENT DATED 6-1-2005**
- EXHIBIT P2 TRUE COPY OF REJECTION ORDER OF 2ND RESPONDENT REF. NO
 D.DIS 1765/2005 DATED 7-3-2009**
- EXHIBIT P3 TRUE COPY OF APPLICATION DATED 24-03-2009 SUBMITTED BY
 THE PETITIONER DATED 24-03-2009**
- EXHIBIT P4 TRUE COPY OF ORDER NO REF. 29561/11/3/G DATED NOVEMBER
 2011 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
- EXHIBIT P5 TRUE COPY OF PETITION DATED 2-12-2011 SUBMITTED BY THE
 PETITIONER BEFORE THE 2ND RESPONDENT**
- EXHIBIT P6 TRUE COPY OF ORDER OF 2ND RESPONDENT REF. NO 825/2009
 DATED 21.03.2014**
- EXHIBIT P7 TRUE COPY OF LETTER DATED 4-4-2014 SUBMITTED BY THE
 PETITIONER BEFORE 2ND RESPONDENT**
- EXHIBIT P8 TRUE COPY OF COVERING LETTER NO REF G 644/14 DATED 16-06-
 2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
- EXHIBIT P9 TRUE COPY OF REJECTION ORDER NO REF. D 825/2009/D.DIS
 DATED 7-10-2010 ISSUED BY THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS:-

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 18062 OF 2014

Dated this the 19th day of February, 2015

JUDGMENT

An application for redetermination of compensation under Section 28A of the Land Acquisition Act can as well be on the basis of a revised judgment. The decision to the contrary in **Haji A. Abdul Rashid v. Special Tahsildar [2008(1) KLT 974]** does not lay down the correct law in view of **District Collector v. Muhammed Kunhi [2012(4) KLT 360]** and **State of Kerala v. Annamma Thomas [2013 (2) KLT SN 134 (DB)]**.

2. Exts. P2 and P9 orders negating the claim of the petitioner on that count is accordingly set aside and the matter is remanded. The second respondent shall reconsider the application put in by the petitioner under Section 28A of the Land Acquisition Act with notice to the petitioner within a period of one month.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS