

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 17894 of 2015 (J)

PETITIONER:

PUTHIYAPURAYIL KUNHIKRISHNAN
AGED 69 YEARS, S/O.DEVI,
RESIDING AT MOTTAKUNNU,
P.O.ETTIKULAM, KANNUR DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR
KANNUR, PIN 670001.
2. THE SPECIAL TAHSILDAR (LAND ACQUISITION)
NAVAL ACADEMY, PAYYANNUR
PIN 671104. (NOW AT THALASSERY).

BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF PETITIONER'S APPLICATION DATED 28.4.1998 UNDER SECTION 28A OF THE LAND ACQUISITION ACT.
- EXHIBIT P2 : TRUE COPY OF THE ORDER REF.C-838/05 DATED 3.8.2006 OF THE 2ND RESPONDENT REJECTING EXHIBIT-P1 APPLICATION.
- EXHIBIT P3 : THE TRUE COPY OF THE 2ND APPLICATION PREFERRED BY THE PETITIONER DATED 7.11.2006.
- EXHIBIT P4 : TRUE COPY OF ORDER NO.REF.C-1411/06 DATED 9.12.2008 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P5 : TRUE COPY OF APPLICATION DATED 2.1.2009 PREFERRED BY THE PETITIONER UNDER SECTION 28A(3) OF THE LAND ACQUISITION ACT.
- EXHIBIT P6 : TRUE COPY OF ORDER NO.D.DIS 40/09 D DATED 10.6.2009 ISSUED BY THE 2ND RESPONDENT REJECTING EXHIBIT-P5.
- EXHIBIT P7 : TRUE COPY OF JUDGMENT DATED 14.6.2010 IN WRIT PETITION (C) NO.31879 OF 2009.
- EXHIBIT P8 : TRUE COPY OF PROCEEDINGS D.DIS.2525/2009/C DATED 24.11.2010 OF THE 2ND RESPONDENT REJECTING EXHIBIT-P3 APPLICATION.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 17894 OF 2015

Dated this the 9th day of July, 2015

JUDGMENT

It is settled law that an application under Section 28A(3) of the Land Acquisition Act, 1894 for redetermination of compensation can as well be on the basis of a revised judgment in Land Acquisition Reference. Therefore Ext.P8 order rejecting Ext.P5 application under Section 28A(3) of the Land Acquisition Act on the ground that redetermination of the compensation cannot be had on the basis of a revised judgment is obviously bad.

2. Ext.P8 order is quashed and the second respondent is directed to consider Ext.P5 application with notice to the petitioner within a period of two months.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd