

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. 17906 of 2015 (K)

PETITIONER:

THADATHILCHAL EDUCATION SOCIETY, RAMANTHALI
REPRESENTED BY ITS PRESIDENT T.P. KUNHIKANNAN
S/O. LATE KUNHAMBU, AGED 76 YEARS, PATTUVAM,
PALIHODECHAL P.O., KANNUR.

BY ADV. SRI. V. N. RAMESAN NAMBISAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
KANNUR PIN 670 001.
2. THE SPECIAL TAHSILDAR (LAND ACQUISITION)
NAVAL ACADEMY, PAYYANNUR
(NOW OFFICE AT THALASSERY) PIN 671 104.

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 APPLICATION DATED 24.3.1993 UNDER SECTION 28A OF THE LAND ACQUISITION ACT SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
- EXHIBIT P2 - TRUE COPY OF APPLICATION DATED 29.5.1998 UNDER SECTION 28A OF THE LAND ACQUISITION ACT SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT UNDER REGD. POST A/D
- EXHIBIT P3 - TRUE COPY OF POSTALACKNOWLEDGMENT CARD IN RESPECT OF EXHIBIT P2
- EXHIBIT P4 - TRUE COPY OF NOTICE, REF. NO. F-1156/99 DATED 14.8.2000 ISSUED BY 2ND RESPONDENT
- EXHIBIT P5 - TRUE COPY OF STATEMENT DATED 7.9.2000 SUBMITTED BY HTE PETITIONER BEFORE THE 2ND RESPONDENT
- EXHIBIT P6 - TRUE COPY OF PROCEEDING NO. REF.1117/98 (K.DIS) DATED 14.8.2000 ISSUED BY HTE 2ND RESPONDENT
- EXHIBIT P7 - TRUE COPY OF THE PROCEEDINGS NO. REF F-1156/99 DATED 13.7.2001 ISSUED BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 17906 OF 2015

Dated this the 9th day of July, 2015

JUDGMENT

Ext.P1 application put in under Section 28A(1) of the Land Acquisition Act was dismissed as not pressed as evident by Ext.P5 statement. There can therefore be no objection in considering Ext.P2 application under Section 28A(1) of the Land Acquisition Act on merits.

2. Ext.P6 order rejecting Ext.P2 application as not maintainable in law is therefore quashed. The second respondent is directed to consider Ext.P2 application with notice to the petitioner within a period of two months.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd