

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE V.CHITAMBARESH**

**FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937**

**WP(C).No. 18157 of 2015 (T)**  
-----

**PETITIONERS:-:**  
-----

- 1. K. DEVADASAN, AGED 42 YEARS  
S/O.LATE MANOHARAN, DEVANJALI, 380  
KULATHOOR, MATTANNUR COLLEGE P.O. - 670 702.**
- 2. RAJEEVAN AGED 45 YEARS  
S/O.LATE KUNJIKRISHNAN NAMBIAR, ANGADI CHALIL HOUSE  
PALA, MUZHAKKUNNU P.O., THALASSERY.**

**BY ADVS.SRI.SEBASTIAN PAUL  
SRI.S.VIJAYAKUMAR (NALLOOR)  
SMT.LIZAMMA AUGUSTINE  
SRI. RON BASTIAN  
SMT.SABEENA P.ISMAIL  
SMT.J.AMULYA**

**RESPONDENTS:-:**  
-----

- 1. STATE OF KERALA  
REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE  
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. DISTRICT COLLECTOR  
COLLECTORATE, KANNUR - 670 001.**
- 3. SPECIAL TAHSILDAR  
LAND ACQUISITION (AIRPORT) NO.2  
MATTANNUR - 670 702.**
- 4. K.VINODKUMAR, AGED 39 YEARS  
S/O.LATE MANOHARAN, DEVANJALI, 380  
KULATHOOR, MATTANNUR COLLEGE P.O. - 670 702.**

**5. BINDU, AGED 35 YEARS**

**D/O.LATE MANOHARAN, SREEVALSAM, CHAVASSERY  
ULIYIL P.O., THALASSERY - 670 702.**

**6. PREMA**

**D/O.LATE KARUNAKARAN, VADUVILAN VEEDU, PALAPPALLIYIL  
KAKKAYANGADU P.O., THALASSERY - 670 673.**

**7. LATHA**

**D/O.LATE KARUNAKARAN, VADUVILAN VEEDU, PALAPPALLIYIL  
KAKKAYANGADU P.O., THALASSERY - 670 673.**

**8. SREEJA**

**D/O.LATE KUNJIKRISHNAN, ANGADI CHALIL HOUSE, PALA  
MUZHAKKUNNU P.O., THALASSERY - 670 673.**

**9. JAYESH**

**D/O.LATE KUNJIKRISHNAN, ANGADI CHALIL HOUSE, PALA  
MUZHAKKUNNU P.O., THALASSERY - 670 673.**

**10. JAYARAJAN, AGED 50 YEARS**

**S/O.LATE KARUNAKARAN, VADUVILAN VEEDU, PALAPPALLIYIL  
KAKKAYANGADU P.O., THALASSERY, KANNUR - 670 673.**

**11. KARIMBANAKANDIYIL POOKODAN RAVEENDRAN**

**KEEZHALLUR AMSOM, KOTHERI DESAM, MATTANNUR - 670 702.**

**R1 & R2 BY GOVERNMENT PLEADER SRI. GIKKU JACOB  
R11 BY ADV. SRI.CIBI THOMAS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C).No. 18157 of 2015 (T)**  
-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

- EXHIBIT P1. TRUE COPY OF THE SAID WILL DEED NO.20 OF 1948 OF SRO OFFICE, ANJARAKKANDY, DATED 26.10.1948.**
- EXHIBIT P2. TRUE COPY OF THE RELATIONSHIP CERTIFICATE ISSUED BY THE SPECIAL VILLAGE OFFICER, KEEZHALLUR DATED 28.12.2013.**
- EXHIBIT P3. TRUE COPY OF THE CERTIFICATE DATED 26.12.2013 ISSUED BY THE SPECIAL VILLAGE OFFICER, KEEZHALLUR.**
- EXHIBIT P4. TRUE COPY OF THE COMMUNICATION DATED 25.04.2015 ISSUED BY THE SPECIAL TAHASILDAR, LA.A.NO.2, MATTANNUR.**
- EXHIBIT P5. TRUE COPY OF THE REGISTERED LAWYER NOTICE SENT ON 19.03.2015.**

**RESPONDENT(S)' EXHIBITS:-NIL**  
-----

**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**

**V. CHITAMBARESH, J**

-----  
**W.P.(C). NO. 18157 OF 2015**  
-----

Dated this the 03<sup>rd</sup> day of July, 2015

**JUDGMENT**

The proceedings initiated under the Land Acquisition Act, 1894 in respect of 49 cents of land in Survey No. 29 of the Keezhallur Village have lapsed. There was a move for a negotiated settlement later with the eleventh respondent who was the occupier of the property. But then a rival claim has now been made by the petitioners on the one hand and one Mr. Balan, Smithalayam, Kotheri P.O., on the other hand.

2. Whether the property belongs to the petitioners or the eleventh respondent or the said Mr. Balan is a matter for a deeper probe. The same can only be deciphered after an adjudication by a Civil Court. It is open to the petitioners to file a suit for declaration of their title over the property and seek injunctive reliefs. The suit shall be filed within one month from today for which I waive the provisions of Section 80 of the Code of Civil Procedure.

3. The respondents 1 to 3 or the requisitioning authority are free to go ahead with the negotiated settlement after two months. It is up to them to arrive at such a settlement after satisfying themselves of the right title and interest over the property. This of course would be subject to the final verdict if any given by the Civil Court in the proceedings to be initiated.

The writ petition is disposed of.

**V. CHITAMBARESH  
JUDGE**

DCS