

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 18544 of 2015 (P)

PETITIONERS:

1. K.A.MUHAMMAD, AGED 58 YEARS,
S/O.ALIYAR, KANIYANKUDIYIL HOUSE,
KIZHAKKEKKARA, MUVATTUPUZHA,
ERNAKULAM DISTRICT 686 661.
2. M.H.NASEER, AGED 55 YEARS,
S/O.HASSAN RAWTHER,
MALIEKKAL HOUSE, KIZHAKKEKARA,
MUVATTUPUZHA, ERNAKULAM DISTRICT 686 661.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE UNION OF INDIA REPRESENTED BY
THE SECRETARY TO GOVERNMENT
MINISTRY OF RAILWAYS, GOVERNMENT OF INDIA,
RAILWAY BOARD, NEW DELHI 110 001.
3. THE SECRETARY, TRANSPORT DEPARTMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695 026.
4. THE DISTRICT COLLECTOR
ERNAKULAM 682 030.
5. THE DISTRICT COLLECTOR
KOTTAYAM 688 001.
6. THE DISTRICT COLLECTOR
IDUKKY 685 509.

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7. THE SPECIAL TAHSILDAR (LA)
MUVATTUPUZHA,
ERNAKULAM DISTRICT 682 101
8. THE SPECIAL TAHSILDAR (LA)
RAILWAY OFFICE, PERUMBAVOOR,
ERNAKULAM DISTRICT 682 101.
9. THE SPECIAL TAHSILDAR (LA)
OFFICE OF THE SPECIAL TAHSILDAR (LA),
THODUPUZHA, IDUKKI DISTRICT 685 001.

R2 BY ADV. SRI.C.S.DIAS,SC, RAILWAYS
BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : THE TRUE COPY OF LAND TAX RECEIPT ISSUED TO THE FIRST PETITIONER BY THE VILLAGE OFFICER, MUVATTUPUZHA
- EXHIBIT P2 : THE TRUE COPY OF LAND TAX RECEIPT ISSUED TO THE SECOND PETITIONER BY THE VILLAGE OFFICER, MUVATTUPUZHA
- EXHIBIT P3 : THE TRUE COPY OF GAZETTE NOTIFICATION DATED 21.10.2011 ISSUED BY THE GOVERNMENT OF KERALA UNDER SECTION 4(1) OF THE LAND ACQUISITION ACT, 1894 IN RESPECT OF THE PROPERTIES OF THE PETITIONERS
- EXHIBIT P4 : THE TRUE COPY OF NOTICE DATED 26.03.2012 ISSUED TO THE FIRST PETITIONER BY THE FIFTH RESPONDENT
- EXHIBIT P5 : THE TRUE COPY OF NOTICE DATED 26.03.2012 ISSUED TO THE SECOND PETITIONER BY THE FIFTH RESPONDENT
- EXHIBIT P6 : THE TRUE COPY OF APPLICATION DATED 12.12.2012 SUBMITTED BY THE SECOND PETITIONER UNDER THE RIGHT TO INFORMATION ACT
- EXHIBIT P7 : THE TRUE COPY OF REPLY GIVEN BY THE SECOND RESPONDENT UNDER THE RIGHT TO INFORMATION ACT TO THE SECOND PETITIONER
- EXHIBIT P8 : THE TRUE COPY OF REPLY GIVEN BY THE FIFTH RESPONDENT UNDER THE RIGHT TO INFORMATION ACT TO THE FIRST PETITIONER
- EXHIBIT P9 : THE TRUE COPY OF REPLY GIVEN BY THE EIGHTH RESPONDENT UNDER THE RIGHT TO INFORMATION ACT TO ONE MOHAMMAD MAKKAR.
- EXHIBIT P10 : THE TRUE COPY OF REPLY GIVEN BY THE NINTH RESPONDENT UNDER THE RIGHT TO INFORMATION ACT TO THE ONE MOHAMMED MAKKAR.
- EXHIBIT P11 : THE TRUE COPY OF JUDGMENT DATED 04.04.2008 IN WPC.NO.6602/2008 OF THIS HON'BLE COURT

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 4th day of August, 2015

JUDGMENT

It is conceded that there has been no declaration under Section 6 or an award under Section 11 pursuant to Ext.P3 notification issued under Section 4(1) of the Land Acquisition Act, 1894. The proceedings have evidently lapsed and the petitioners are therefore entitled to deal with their property as they desire.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd