

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 18580 of 2015 (V)

PETITIONERS:

- 1. THOMAS, AGED 52 YEARS
S/O.LUCKA, NELLUVELIL HOUSE, VELATHUSSERY (PO)
KOTTAYAM DISTRICT.**
- 2. JOY @ GEORGEKUTTY LUCKOS
NELLUVELIL HOUSE VELATHUSSERY (PO)
KOTTAYAM DISTRICT.**
- 3. GEORGE LUCKA
NELLUVELIL HOUSE VELATHUSSERY (PO)
KOTTAYAM DISTRICT.**
- 4. TIJO MON GEORGE
NELLUVELIL HOUSE VELATHUSSERY (PO)
KOTTAYAM DISTRICT.**
- 5. TIBIN GEORGE
NELLUVELIL HOUSE VELATHUSSERY (PO)
KOTTAYAM DISTRICT.**
- 6. AVIRAH DEVASSIA
ALUMKAL HOUSE, VALAVOOR (PO), KOTTAYAM DISTRICT**

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT DEPARTMENT
OF REVENUE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN-695 001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM, PIN-686 001.**
- 3. THE SPECIAL TAHSILDAR (LA GENERAL)
CIVIL STATION, PALA, PIN-686 576.**

BY GOVERNMENT PLEADER SRI. C.S. MANILAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-06-2015, ALONG WITH W.P.(C.) NO. 18786/2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 18580 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE NOTICE ISSUED BY 3RD RESPONDENT TO THE 1ST PETITIONER DATED 28-11-2014**
- P2 : TRUE COPY OF THE NOTICE ISSUED BY 3RD RESPONDENT TO PETITIONERS 1 TO 5 DATED 6-5-2015.**
- P3 : TRUE COPY OF THE NOTICE ISSUED BY 3RD RESPONDENT TO 5TH PETITIONER DATED 6-5-2015**
- P4 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 3RD PETITIONER BEFORE THE 3RD RESPONDENT DATED 16-6-2015.**
- P5 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 6TH PETITIONER BEFORE THE 3RD RESPONDENT DATED 16-6-2015.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). Nos. 18580 & 18786 OF 2015

Dated this the 24th day of June, 2015

JUDGMENT

The writ petitions are disposed of on consensus as follows:-

i) The petitioners shall not be dispossessed except after paying 80% of the compensation amount (new rate) tentatively suggested by the District Collector in the proceedings dated 02.06.2014 subject to the production of requisite documents and executing the necessary agreements.

ii) The receipt of the compensation as above by the petitioners will be without prejudice to their right for determination of the compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which has come into force with effect from 01.01.2014.

iii) No income tax shall be deducted from the compensation amount payable to the petitioners in view of Section 96 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The writ petitions are disposed of.

**V. CHITAMBARESH
JUDGE**

DCS