

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. 18786 of 2015 (W)

PETITIONERS:

- 1. MANUAL JOSEPH, AGED 61 YEARS
S/O.OUSEPH, PUTHEN PURACKAL HOUSE, VALAVOOR,
VALLICHIRA VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT**
- 2. VARKEY VARKEY, AGED 93 YEARS
S/O.VARKEY, CHEMBOTTICKAL HOUSE, VALAVOOR,
VALLICHIRA VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT**
- 3. JOSEPH ABRAHAM, AGED 53 YEARS
S/O.ABRAHAM, CHEMBOTTICKAL HOUSE, VALAVOOR,
VALLICHIRA VILLAGE, MEENACHIL TALUK ,
KOTTAYAM DISTRICT**
- 4. JAMES VARKEY, AGED 55 YEARS
S/O. VARKEY, VELLAMKUNNEL HOUSE, VALAVOOR,
VALLICHIRA VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT**

BY ADV. SRI.P.C.HARIDAS

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001**
- 2. LAND REVENUE COMMISSIONER
THIRUVANANTHAPURAM 695001**
- 3. DISTRICT COLLECTOR
KOTTAYAM 686001**
- 4. SPECIAL TAHSILDAR(LA)
GENERAL PALA-686575**
- 5. KERALA STATE IT INFRASTRUCTURE LTD
TECHO PARK CAMPUS, THIRUVANANTHAPURAM 695581
REPRESETNED BY ITS MANAGING DIRECTOR**

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**6. THE SECRETARY TO THE DEPARTMENT OF REVENUE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695001**

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. 18580/2015 THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

WP(C).No. 18786 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF SALE DEED NO 943/78 OF MEENACHIL SRO IN FAVOUR OF THE 1ST PETITIONER**
- P2:- TRUE COPY OF PARTITION DEED NO 2766/1952 OF MEENACHIL SRO IN FAVOUR OF THE 2ND PETITIONER**
- P3:- TRUE COPY OF GIFT DEED NO 3102/2012 OF MEENACHIL SRO IN FAVOUR OF THE 3RD PETITIONER**
- P4:- TRUE COPY OF SALE DEED NO 746/78 OF MEENACHIL SRO IN FAVOUR OF THE 4TH PETITIONER**
- P5:- TRUE COPY OF NOTIFICATION UNDER SECTION 4(1) DTD 4/6/2013 PUBLISHED IN MANGALAM DAILY DTD 2/7/2013**
- P6:- TRUE COPY OF THE PROCEEDINGS DTD 16/1/2014 OF THE 3RD RESPONDENT**
- P7:- TRUE COPY OF THE MINUTES OF DLPC MEETING DTD 20/1/2014**
- P8:- TRUE COPY OF THE MINUTES OF THE MEETING ON 2/6/2014**
- P9:- TRUE COPY DECLARATION UNDER SEC.6 DTD 14/2/2014 PUBLISHED IN MANGALAM DAILY DTD 10/3/2014**
- P10:- TRUE COPY OF NOTICE DTD 6/5/2014 UNDER S.9(1) OF THE LAND ACQUISITION ACT 1894**
- P11:- TRUE COPY OF NOTICE DTD 28/11/2014 OF THE 4TH RESPONDENT**

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