

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 19155 of 2015 (T)

PETITIONER:

K.S.KADAR PILLAI, AGED 65 YEARS,
S/O.LATE K.A.SAIDALI, RUKIYABAGH,
ROYAL LANE, KADAVANTHRA, KOCHI - 20.

BY ADVS.SRI.T.R.S.KUMAR
SRI.SOBIN SOMAN
SRI.U.B.SIRAS

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
ITS CHIEF SECRETARY
THIRUVANANTHAPURAM 695 001
2. DISTRICT COLLECTOR, ERNAKULAM
COLLECTORATE, KAKKANAD 682 030
3. THE SPECIAL TAHSILDAR (L.A),
METRO NO.I, COLLECTORATE, KAKKANAD.
4. THE LAND REVENUE COMMISSIONER
THIRUVANANTHAPURAM 695 001.

BY GOVERNMENT PLEADER SRI. TOM K. THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : THE TRUE COPY OF THE JUDGEMENT OF THIS HON'BLE COURT IN WPC NO.30355/2012 DATED 13.3.2013
- EXT.P2 : TRUE COPY OF 4(1) NOTIFICATION FOR THE PREPARATORY WORK OF METRO RAIL PROJECT DATED 11.5.2011
- EXT.P3 : TRUE COPY OF THE BVR DATED 16.1.2012
- EXT.P4 : TRUE COPY OF THE 12(1) NOTICE DATED 8.5.2014
- EXT.P5 : TRUE COPY OF THE CLAIM STATEMENT DATED 20.11.2012
- EXT.P6 : TRUE COPY OF THE SALE DEED NO.148/2014 DATED 10.1.2014
- EXT.P7 : TRUE COPY OF THE LATEST ORDINANCE ISSUED BY THE HON'BLE PRESIDENT OF INDIA DATED 31.12.2014
- EXT.P8 : TRUE COPY OF THE 4(1) NOTIFICATION DATED 6.9.2013
- EXT.P9 : TRUE COPY OF THE NOTICE FOR TAKING THE LAND DATED 21.5.2014
- EXT.P10 : TRUE COPY OF THE PROPOSED ALIGNMENT WITH SKETCH PREPARED BY THE PETITIONER
- EXT.P11 : TRUE COPY OF THE BUILDING VALUATION REPORT DATED 28.6.2014
- EXT.P12 : TRUE COPY OF THE CONSENT APPLICATION DATED 15.5.2015

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 25th day of June, 2015

JUDGMENT

A part of the building owned by the petitioner is being consumed for the Kochi Metro Rail Project. The petitioner has no objection to the whole of the building and the appurtenant land being taken. The petitioner has in this regard submitted Ext.P12 representation.

2. Ext.P12 representation is pending with the third respondent. I direct the third respondent to consider the same within one month. The same shall be done with notice to the petitioner and M/s. Kochi Metro Rail Ltd.

3. The petitioner seeks determination of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Whether that right can be protected even if compensation is paid by negotiated settlement is a matter to be explored.

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4. It is open to the petitioner to agree for a negotiated settlement or not. The property is open to acquisition if the petitioner is not willing for a negotiated settlement.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd