

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 22280 of 2011 (H)

PETITIONER:

SUBADRA P.J., D/O. JANAKI, AGED 70 YEARS,
ANANDA BHAVAN, VAYAKALATH MURI, ATTIPRA VILLAGE,
KULATHOOR P.O, THIRUVANANTHAPURAM.

BY ADVS. SRI. SOORAJ T. ELENJICKAL
SRI. K. NIRMALAN

RESPONDENTS:

1. THE SPECIAL TAHASILDAR, (ADDITIONAL LA UNIT),
CIVIL STATION, KUDAPPANAKUNNU,
THIRUVANANTHAPURAM 695 001.
2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM 695 001.
3. THE CHIEF EXECUTIVE OFFICER,
TECHNOPARK, KAZHAKKOOTTAM,
THIRUVANANTHAPURAM 695 001.
4. THE STATE OF KERALA REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
(REVENUE DEPARTMENT), GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM 695 001.

R1 BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
R3 BY ADV. SRI. ANIL THOMAS (T), SC, TECHNOPARK
R3 BY ADV. SMT. K. V. RASHMI, SC, TECHNOPARK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE NOTIFICATION NO. A.1505/2005 DATED 16.03.2006 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2 : TRUE COPY OF THE NOTICE DATED 20.03.2006 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT
- EXHIBIT P3 : TRUE COPY OF THE OBJECTION DATED 10.04.2006 PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
- EXHIBIT P4 : TRUE COPY OF THE COMMUNICATION DATED 23.05.2006 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER IN COMPLIANCE WITH THE SECTION 5A OF THE ACT.
- EXHIBIT P5 : TRUE COPY OF THE CERTIFICATE NUMBER 129/2007 ISSUED FROM THE VILLAGE OFFICER ATTIPRA
- EXHIBIT P6 : TRUE COPY OF THE SKETCH ISSUED BY THE TALUK SURVEYOR WITH RESPECT TO THE PROPERTY IN SY.NO. 338/7 OF ATTIPRA VILLAGE.
- EXHIBIT P7 : TRUE COPY OF THE GOVERNMENT ORDER G.O.(RT) NO. 132/2009/ITD DATED 01.07.2009.
- EXHIBIT P8 : TRUE COPY OF THE SECTION 4(1) NOTIFICATION NO. A2/1029/2009 DATED 09.07.2009 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P9 : TRUE COPY OF THE OBJECTION DATED 07.08.2009 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
- EXHIBIT P10 : TRUE COPY OF THE COMMUNICATION DATED 22.08.2009 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT
- EXHIBIT P11 : TRUE COPY OF THE COMMUNICATION LAC 39/2010 DATED 07.01.2011 ISSUED TO THE PETITIONER BY 1ST RESPONDENT
- EXHIBIT P12 : TRUE COPY OF NOTICE OF AWARD DATED 09.11.2011 ISSUED BY 1ST RESPONDENT
- EXHIBIT P13 : TRUE COPY OF COMMUNICATION DATED 09.11.2011 ISSUED BY 1ST RESPONDENT
- EXHIBIT P14 : PHOTOCOPY OF THE COMMUNICATION NO. 1-9577/07/LDIS. DATED 17.03.2007 ISSUED FROM THE OFFICE OF THE LAND REVENUE COMMISSIONER TO THE PETITIONER.
- EXHIBIT P15 : PHOTOCOPY OF THE ACKNOWLEDGEMENT FOR REPRESENTATION DATED 14.06.2005 SUBMITTED BY THE PETITIONER TO DEPUTY COLLECTOR (LA)
- EXHIBIT P16 : PHOTOCOPY OF THE GOVERNMENT ORDER G.O.(MS) NO. 419/2011/RD DATED 15.11.2011 ISSUED BY THE REVENUE DEPARTMENT

WP(C) NO. 22280/2011

RESPONDENT(S) EXHIBITS

EXHIBIT R3(a) : TRUE COPY OF THE ORDER DATED 20.05.2010 ISSUED BY THE
LAND REVENUE COMMISSIONER.

EXHIBIT R3(b) : TRUE COPY OF THE AWARD IN LAC NO. 39/2010 PASSED BY THE
SPECIAL TAHSILDAR .

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 22280 OF 2011

Dated this the 9th day of June, 2015

JUDGMENT

The acquisition is for the third phase of Technopark, Thiruvananthapuram. Even the acquisition for the fourth phase of Technopark is complete. The petitioner has not hitherto challenged Ext.R3(b) award passed by the Land Acquisition Officer.

2. The Land Revenue Commissioner had heard the parties as evident by Ext.R3(a) order. The same relates to the claim for exemption from acquisition put in by certain persons. The writ petition challenging Section 4(1) notification and the subsequent communication has become infructuous. It is not shown that the petitioner has filed any application for reference under Section 18 of the Act.

3. The petitioner is free to move under Section 28A of the Land Acquisition Act. This is because applications for reference under Section 18 of the Act are pending. No relief could be granted to the petitioner at this distance of time.

The Writ Petition is dismissed. No costs.

**V. CHITAMBARESH
JUDGE**