

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 19414 of 2015 (B)

PETITIONERS:

1. RAJAMMA, W/O. SREEDHARAN THE LATE,
KUNNATH HOUSE, POOVARAMTHODE P.O.,
KODARANJI AMSOM DESOM,
KOZHIKODE DISTRICT.
2. SUBRAMANIYAN, THAYYIL HOUSE,
POOVARMTHODU P.O.,
KOZHIKODE DISTRICT.
3. SAJI, AYYANATTUSSERY HOUSE,
POOVARMTHODU P.O.
KOZHIKODE DISTRICT.
4. NARAYANAN, KALLIDUMBIL HOUSE,
PUNNAKKAL P.O., THIRUVAMPADY
KOZHIKODE DISTRICT.
5. AMMINI, W/O. RAMACHANDRAN,
PERUMATTILKATTIL HOUSE, PUNNAKKAL P.O.,
THIRUVAMPADY, KOZHIKODE DISTRICT.
6. GEETHA PERUMATTIKATTIL HOUSE,
PUNNAKKAL P.O., THIRUVAMPADY,
KOZHIKODE DISTRICT.
7. CHANDRAN, IDUVANAMPOIKAYIL HOUSE,
PUNNAKKAL P.O., THIRUVAMPADY,
KOZHIKODE DISTRICT.

BY ADVS. SRI. P. J. MATHEW
SRI. EBIN MATHEW

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

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2. THE DISTRICT COLLECTOR
KOZHIKODE, CIVIL STATION,
VELLIMADUKUNNU,
KOZHIKODE-673 001.
3. THE TAHSILDAR (LA) GENERAL
CIVIL STATION P.O., KOZHIKODE-673 001.
4. VILLAGE OFFICER, KODARANJI,
KOZHIKODE DISTRICT-673 604.
5. VILLAGE OFFICER , THIRUVAMPADY P.O.,
KOZHIKODE DISTRICT.
6. KERALA STATE ELECTRICITY BOARD LTD.
REPRESENTED BY THE CHIEF ENGINEER
KOZHIKODE-673 001.

R6 BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB
R3 BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : COPY OF THE S.4(1) NOTIFICATION DTD.9.9.2013 (UNDER THE OLD ACT).
- EXHIBIT P2 : COPY FO TEH S.4(1) NOTIFICATION DTD.12.9.2013 IN RESPECT OF LAND SOUGHT TO BE ACQUIRED IN THIRUVAMPADY VILLAGE.
- EXHIBIT P3 : COPY OF THE NOTICE SERVED ON THE 1ST PETITIONER DTD.24.4.2015.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 19414 OF 2015

Dated this the 27th day of July, 2015

JUDGMENT

The proceedings were initiated when the Land Acquisition Act, 1894 was in force. The petitioners are not agreeable for the land value suggested by the District Level Purchasing Committee. The option of the respondents is to proceed further and make a tentative assessment of compensation. The same would however be subject to final determination under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Any award after 01.01.2014 can only be under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The amount tentatively assessed by the respondent can be received by the petitioners without prejudice to their right under the Act aforesaid.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**