

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 19426 of 2015 (C)

PETITIONERS:

1. OUSEPH KURIACKOSE, S/O. OUSEPH,
AGED 74 YEARS, PUTHEN PURACKAL HOUSE,
VALAVOOR, VALLICHIRA VILLAGE,
MEENACHIL TALUK, KOTTAYAM DISTRICT.
2. AVIRAH VARKEY, S/O. VARKEY, AGED 91 YEARS,
CHEMBOTTICKAL 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 695 001.
2. LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM 695 001.
3. DISTRICT COLLECTOR,
KOTTAYAM 686 001.
4. SPECIAL TAHSILDAR (LA),
GENERAL, PALA 686 575.
5. KERALA STATE IT INFRASTRUCTURE LTD.
TECHNO PARK CAMPUS, THIRUVANANTHAPURAM 695 581
REPRESENTED BY ITS MANAGING DIRECTOR.
6. THE SECRETARY TO THE DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.

BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF SALE DEED NO. 3618/62 OF MEENACHIL SRO IN FAVOUR OF THE 1ST PETITIONER.
- EXHIBIT P2 : TRUE COPY OF PARTITION DEED NO. 2766/952 OF MEENACHIL SRO IN FAVOUR OF THE 2ND PETITIONER.
- EXHIBIT P3 : TRUE COPY OF SALE DEED NO. 796/66 OF MEENACHIL SRO IN FAVOUR OF THE 2ND PETITIONER.
- EXHIBIT P4 : TRUE COPIES OF TAX RECEIPTS ISSUED TO THE PETITIONERS.
(2 IN NOS.)
- EXHIBIT P5 : TRUE COPY OF NOTIFICATION UNDER S. 4(1) DATED 04.06.2013 PUBLISHED IN MANGALAM DAILY DATED 02.07.2013.
- EXHIBIT P6 : TRUE COPY OF THE PROCEEDINGS DATED 16.01.2014 OF THE 3RD RESPONDENT
- EXHIBIT P7 : TRUE COPY OF THE MINUTES OF DLPC MEETING DATED 20.01.2014.
- EXHIBIT P8 : TRUE COPY OF THE MINUTES OF THE MEETING ON 02.06.2012.
- EXHIBIT P9 : TRUE COPY DECLARATION UNDER S. 6 DATED 14.02.2014 PUBLISHED IN MANGALAM DAILY DATED 10.03.2014.
- EXHIBIT P10 : TRUE COPIES OF THE NOTICES DATED 06.05.2014 UNDER S.9(1)
(2 IN NOS.) OF THE LAND ACQUISITION ACT, 1894
- EXHIBIT P11 : TRUE COPY OF NOTICE DATED 28.11.2014 OF THE 4TH RESPONDENT

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 19426 OF 2015

Dated this the 29th day of June, 2015

JUDGMENT

The Writ Petition is disposed of 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 Petition is disposed of.

**V. CHITAMBARESH
JUDGE**