

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 23302 of 2013 (K)

PETITIONER(S):

1. ABOOSALAM KOYA, AGED 56 YEARS
S/O.ABOOBAKER KOYA, PONTINODA HOUSE, AGATHI
U.T.OF LAKSHADWEEP-682553.
2. MOHAMMEDKOYA ALIYAMMADA
S/O.KIDAVU KOYA, KATTAMPALLI, AGATTI
UNION TERRITORY OF LAKSHADWEEP, PIN 682553.
3. MOHAMMEDKOYA T.A., AGED 65 YEARS
THEKKE ALIYAMMADA, AGATHI ISLAND-682 553
U.T.OF LAKSHADWEEP.

BY ADVS.SRI.M.P.KRISHNAN NAIR
SRI.V.B.NARAYANAN

RESPONDENT(S):

1. THE ADMINISTRATOR
UNION TERRITORY OF LAKSHADWEEP, KAVARATHI-682555.
2. THE LAND ACQUISITION COLLECTOR
U.T.OF LAKSHADWEEP, KAVARATI-682555.
3. THE DEPUTY COLLECTOR
U.T.OF LAKSHADWEEP, AGATTI-682553.
4. LAKSHADWEEP PUBLIC WORKS DEPARTMENT
REPRESENTED BY SUPERINTENDING ENGINEER
U.T.OF LAKSHADWEEP, KAVARATTI-682555.

R-R1-R4 BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 23302 of 2013 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE LETTER F.NO.34/26/2009-LR DATED 27.05.2011
ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P2: TRUE COPY OF THE RECEIPT ACKNOWLEDGING 80% OF THE
COMPENSATION BY THE 1ST PETITIONER.

EXHIBIT-P3: TRUE COPY OF THE RECEIPT DATED 6.9.11 OF THE 1ST PETITIONER.

EXHIBIT-P4: TRUE COPY OF THE RECEIPT DATED 6.9.11 OF THE 1ST PETITIONER.

EXHIBIT-P5: TRUE COPY OF THE RECEIPT DATED 8.8.11 OF THE 2ND PETITIONER
ACKNOWLEDGING 80% OF THE COMPENSATION.

EXHIBIT-P6: TRUE COPY OF THE RECEIPT DATED 27.10.11 OF THE 3RD PETITIONER
ACKNOWLEDGING 80% OF THE COMPENSATION.

EXHIBIT-P7: TRUE COPY OF THE MINUTES OF THE PROCEEDINGS DATED 1.5.2012
OF THE 3RD RESPONDENT.

EXHIBIT-P8: A TRUE COPY OF THE AWARD DATED 8.8.12 PASSED BY THE 2ND
RESPONDENT.

EXHIBIT-P9: TRUE COPY OF THE RECEIPT DATED DEC.2012 ACKNOWLEDGING 20%
OF THE COMPENSATION BY THE 2ND PETITIONER.

EXHIBIT-P10: TRUE COPY OF THE RECEIPT DATED NOV.2012 ACKNOWLEDGING 20%
OF THE COMPENSATION BY THE 3RD PETITIONER.

EXHIBIT-P11: TRUE COPY OF THE LETTER DATED 15.1.2014 ISSUED BY THE
THIRD RESPONDENT.

EXHIBIT-P12: TRUE COPY OF THE LETTER DATED 4.12.2013 ISSUED BY THE
THIRD RESPONDENT.

EXHIBIT-P13: TRUE COPY OF THE AWARD DATED 21.3.2012 ISSUED BY THE
SECOND RESPONDENT IN RESPECT OF CONSTRUCTION NEW
SCHOOL BUILDING AT KADAMAT.

EXHIBIT-P14: TRUE COPY OF THE JUDGMENT DATED 27.4.2012 OF THE HON'BLE
SUPREME COURT IN C.A.NO.4005/12.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.23302 of 2013

Dated this the 16th day of June, 2015

J U D G M E N T

The petitioners very much participated in the Award enquiry as revealed from Ext.P7 proceedings dated 1.5.2012. Ext.P8 Award was passed on 8.8.2012 and the petitioners had the liberty to file an application for reference within six weeks therefrom. A period of six weeks from the date of the Award is the upper limit when the petitioners have participated in the Award enquiry. This is discernible from Section 18(2)(a) of the Land Acquisition Act, 1894.

2. The petitioners have preferred a representation after the Award only on 13.3.2013. This is evident from Ext.P12 reply given to the query made under the Right to Information Act. More than 6 weeks had elapsed on 13.3.2013 after Ext.P8 Award dated 8.8.2012 as revealed from the records.

3. The mere receipt of compensation under protest will not suffice to make a reference under Section 18 of the Act. The issue is covered by Kamalakshy v. District Collector [1998 (2) KLT 898]. No application in time has been made to warrant a

reference under Section 18 of the Land Acquisition Act. The petitioners are however free to invoke Section 28A of the Land Acquisition Act if the same is permissible.

The writ Petition is dismissed.

Sd/-
V.CHITAMBARESH,
Judge.

nj.