

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 24509 of 2012 (K)

PETITIONER(S):

1. K.THANKAPPAN PILLAI, AGED 87 YEARS
KANDANALLOOR THEKKATHIL VEEDU, MUTHUPILAKKADU WEST
SASTHAMCOTTA P.O., KOLLAM-690521.
2. KUTTAPPAN NAIR
MELEKUNNATHAYYATHU, MUTHUPILAKKADU WEST
SASTHAMCOTTA PO, KOLLAM-690521.
3. S.BALAKRISHNA PILLAI
BINDHU BHAVANAM, MUTHUPILAKKADU WEST, SASTHAMCOTTA PO
KOLLAM-690521.
4. PUSHPA KUMARI
D/O.CHELLAPPAN PILLAI, MELEKUNNATHAYYATHU
MUTHUPILAKKADU WEST, SASTHAMCOTTA PO, KOLLAM-690521.
5. OMANA AMMA
THATTANTAYYATH VEEDU, MUTHUPILAKKADU WEST
SASTHAMCOTTA PO, KOLLAM-690521.
6. KOCHAYYA CHELLAMMA
KAVILAYIL, MUTHUPILAKKADU WEST, SASTHAMCOTTA PO
KOLLAM-690521.
7. INDIRA DEVI AMMA
KUTTEELAZHIKATHU PADINJATTATHIL, MUTHUPILAKKADU WEST
SASTHAMCOTTA PO, KOLLAM-690521.
8. SURENDRAN PILLAI
CHENGANASSERY VEETIL, MUTHUPILAKKADU WEST
SASTHAMCOTTA PO, KOLLAM-690521.
9. THANKACHAN KE
KODIYAVILA PUTHEN VEEDU, MUTHUPILAKKADU WEST
SASTHAMCOTTA PO, KOLLAM-690521.
10. MURALEEDHARAN PILLAI.R
NOW RESIDING AT THUNDIL VEEDU, PERUVELIKKARA MURI
SASTHAMCOTTA P.O., KOLLAM 690521
FROM ALAPPURATHU VEEDU, MUTHUPILAKKADU WEST
SASTHAMCOTTA PO, KOLLAM 690521.

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11. R.GOPINATHAN NAIR
KANNIMELAZHIKATHU PUTHEN VEEDU, MUTHUPILAKKADU WEST
SASTHAMCOTTA P.O., KOLLAM 690521.
12. G.JOYKUTTY
S/O.LUCOSE GEE VARGHESE, PARAVILA PUTHEN VEEDU
MUTHUPILAKKADU WEST, SASTHAMCOTTA PO, KOLLAM-690521.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENT(S):

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO THE REVENUE DEPARTMENT
GOVERNMENT SECRETARIAT, FORT PO
THIRUVANANTHAPURAM-695023.
2. THE DISTRICT COLLECTOR
OFFICE OF THE DISTRICT COLLECTOR, CIVIL STATION PO
KOLLAM 691013.
3. THE SPECIAL TAHSILDAR (LA)
NO.II, OFFICE OF THE SPECIAL TAHSILDAR (LA)
KUNDARA PO, KOLLAM 691 501.

R,R BY ADV. GOVERNMENT PLEADER SRI.T.R.RAJESH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.24509 OF 2012

PETITIONER'S EXTS:

- EXT.P1 A TRUE COPY OF THE JUDGMENT DATED 16/11/2007 IN W.P.(C) NO.28594/2007 PASSED BY THIS HON'BLE COURT.
- EXT.P2 A TRUE COPY OF THE JUDGMENT DATED 3/12/2008 IN WP (C) NO.35137/2008 PASSED BY THIS HON'BLE COURT.
- EXT.P3 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE FIRST PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P4 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE SECOND PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P5 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE THIRD PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P6 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE FOURTH PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P7 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE 5TH PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P8 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE 6TH PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P9 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE 7TH PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P10 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE 8TH PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P11 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE 9TH PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P12 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE 10TH PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P13 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE 11TH PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P14 A TRUE COPY OF THE STATEMENT DATED NIL FILED BY THE 12TH PETITIONER BEFORE THE LAND ACQUISITION OFFICER.
- EXT.P15 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE FIRST PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P16 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE 2ND PETITIONER BY THE LAND ACQUISITION OFFICER.

- EXT.P17 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE THIRD PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P18 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE FOURTH PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P19 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE FIFTH PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P20 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE SIXTH PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P21 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE 7TH PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P22 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE 8TH PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P23 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE 9TH PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P24 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE 10TH PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P25 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE 11TH PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P26 A TRUE COPY OF THE SECTION 12(2) NOTICE DATED 21/6/2011 ISSUED TO THE 12TH PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P27 A TRUE COPY OF THE NOTICE DATED 9.4.2012 ISSUED TO THE COUNSEL FOR THE PETITIONERS.
- EXT.P28 A TRUE COPY OF THE NOTICE DATED 12/6/2012 ISSUED TO THE FIRST PETITIONER BY THE LAND ACQUISITION OFFICER.
- EXT.P29 A TRUE COPY OF THE REPLY DATED 4/7/2012 SUBMITTED ON BEHALF OF THE PETITIONERS BY THE COUNSEL FOR THE PETITIONERS.
- EXT.P30 A TRUE COPY OF THE ORDER DATED 5/9/2012 ISSUED TO THE FIFTH PETITIONER BY THE THIRD RESPONDENT.

- EXT.P31 A TRUE COPY OF THE CALCULATION STATEMENT OF THE FIRST PETITIONER DATED NIL.
- EXT.P32 A TRUE COPY OF THE CALCULATION STATEMENT OF THE SECOND PETITIONER DATED NIL.
- EXT.P33 A TRUE COPY OF THE CALCULATION STATEMENT OF THE THIRD PETITIONER DATED NIL.
- EXT.P34 A TRUE COPY OF THE CALCULATION STATEMENT OF THE 4TH PETITIONER DATED NIL.
- EXT.P35 A TRUE COPY OF THE CALCULATION STATEMENT OF THE FIFTH PETITIONER DATED NIL.
- EXT.P36 A TRUE COPY OF THE CALCULATION STATEMENT OF THE SIXTH PETITIONER DATED NIL.
- EXT.P37 A TRUE COPY OF THE CALCULATION STATEMENT OF THE SEVENTH PETITIONER DATED NIL.
- EXT.P38 A TRUE COPY OF THE CALCULATION STATEMENT OF THE EIGHTH PETITIONER DATED NIL.
- EXT.P39 A TRUE COPY OF THE CALCULATION STATEMENT OF THE 9TH PETITIONER DATED NIL.
- EXT.P40 A TRUE COPY OF THE CALCULATION STATEMENT OF THE 10TH PETITIONER DATED NIL.
- EXT.P41 A TRUE COPY OF THE CALCULATION STATEMENT OF THE 11TH PETITIONER DATED NIL.
- EXT.P42 A TRUE COPY OF THE CALCULATION STATEMENT OF THE 12TH PETITIONER DATED NIL.

RESPONDENT EXHIBITS:

- EXT.R3(a) TRUE COPY OF THE CALCULATION STATEMENT.
- EXT.R3(b) TRUE COPY OF THE 28A AWARD.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

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Dated this the 2nd day of March, 2015

J U D G M E N T

The intimation of the Award becomes complete only when solatium and interest is also let known. The petitioners were let known by Exts.P15 and similar notices dated 21.6.2011 only on 4.7.2011. Ext.P15 notice itself reflects that it is a notice of the Award under Section 12(2) of the Land Acquisition Act, 1884.

2. A period of six weeks is available to make an application under Section 28A(3) of the Land Acquisition Act. The petitioners 1 to 7 and 9 to 12 put in their applications on 8.8.2011 and the 8th petitioner on 9.8.2011. The said applications under Section 28A (3) of the Land Acquisition Act is well within the period of 42 days from 4.7.2011.

3. It is stated that all the petitioners have been served with Ext.P30 order and similar orders identically worded. The applications under Section 28A (3) of the Land Acquisition Act have been refused to be referred to the Court. The same cannot stand scrutiny in the eye of law due to the reasons aforesaid. The respondents are directed to refer the applications made

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by the petitioners under Section 28A(3) of the Land Acquisition Act.

4. The cases shall be referred to the court of the Subordinate Judge of Kollam having jurisdiction in relation to the property acquired.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

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