

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 20863 of 2015 (G)

PETITIONERS:

1. CHELLAMMA, KOOVACKAL HOUSE,
VALAVOOR P.O., KOTTAYAM DISTRICT.
2. A.G. RAJAPPAN, KOOVACKAL HOUSE,
VALAVOOR P.O., KOTTAYAM DISTRICT.
3. A.G. RAGHAVAN, KOOVACKAL HOUSE,
VALAVOOR P.O., KOTTAYAM DISTRICT.
4. A.G. NARAYANANKUTTY, KOOVACKAL HOUSE,
VALAVOOR P.O., KOTTAYAM DISTRICT.
5. A.G. RAJU, KOOVACKAL HOUSE,
VALAVOOR P.O., KOTTAYAM DISTRICT.
6. DILEEP KUMAR, CHERUKARAYIL HOUSE,
VALAVOOR P.O., KOTTAYAM DISTRICT.

BY ADV. SRI. GEORGE KUTTY MATHEW

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT
DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM PIN - 695 001.
2. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM 686 001.
3. THE SPECIAL TAHSILDAR (GENERAL),
CIVIL STATION, PALA PIN 686 576.

BY SENIOR GOVERNMENT PLEADER SRI. C.S. MANILAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER DATED 06.05.2015.
- EXHIBIT P2 : TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 6TH PETITIONER DATED 06.05.2015.
- EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT DATED 30.06.2015.
- EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 6TH PETITIONER BEFORE THE 3RD RESPONDENT DATED 04.07.2015.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 20863 OF 2015

Dated this the 13th day of July, 2015

JUDGMENT

The issue is covered by the judgment dated 24.06.2015 in WP(C) Nos. 18580 and 18786 of 2015 filed by persons similarly situated. The directions therein which are extracted hereunder will govern this case also.

(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.

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(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**

ncd