

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 21320 of 2015 (L)

PETITIONERS:

1. **T R GIRIJAKUMARI
DEVASWAM PADAVIL, VALAVOOR, PALA,
NOW RESIDING AT SUDARSANAM, HARMONY VILLAS,
VATTAMPARAMBU LANE, AZAD ROAD, KALOOR, COCHIN - 17**
2. **R. AJI, S/O. K.N. RAGAVAN NAIR, DEVASWAM PADAVIL,
VALAVOOR, PALA, NOW RESIDING AT FLAT NO. D3, AKASH
RESIDENCY, CHELEKARA MAIN ROAD, KALYAN NAGAR,
BANGALORE - 43**
3. **P.C. BINU, S/O. LATE S. VIMALADEVI, PONNORATH (H)
PUNNATHARA WEST, ETTUMANOOR, KOTTAYAM**
4. **P.C. MANU, S/O. LATE S. VIMALADEVI, PONNORATH (H)
PUNNATHARA WEST, ETTUMANOOR, KOTTAYAM**

**BY ADVS.SRI.J.KRISHNAKUMAR
SRI.JAISHANKAR V.NAIR
SMT.P.D.SHEEJA**

RESPONDENTS:

1. **STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF INFORMATION TECHNOLOGY
GOVT. SECRETARIAT, THIRUVANANATHAPURAM - 695 001**
2. **DISTRICT COLLECTOR, COLLECTORATE,
KOTTAYAM, PIN - 686 001**
3. **SPECIAL TAHSILDAR, (LAND ACQUISITION)
(GENERAL), CIVIL STATION, PALA
KOTTAYAM, PIN - 686 576**

BY SR. GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE PARTITION DEED NO. 218/1999 OF SRO MEENACHIL**
- EXHIBIT-P2: TRUE COPY OF THE NOTICE ISSUED BY THE THIRD RESPONDENT TO THE 1ST PETITIONER DATED 20.12.2014**
- EXHIBIT-P3: TRUE COPY OF THE NOTICE ISSUED BY THE THIRD RESPONDENT TO THE 1ST PETITIONER DATED 06.05.2015**
- EXHIBIT-P4: TRUE COPY OF THE NOTICE ISSUED BY THE THIRD RESPONDENT TO THE 3RD AND 4TH PETITIONER DATED 06.05.2015**
- EXHIBIT-P5: TRUE COPY OF THE NOTICE ISSUED BY THE THIRD RESPONDENT TO THE 3RD AND 4TH PETITIONER DATED 06.05.2015**
- EXHIBIT-P6: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE THIRD RESPONDENT DATED 20.06.2015**
- EXHIBIT-P7: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER BEFORE THE THIRD RESPONDENT DATED 20.06.2015**
- EXHIBIT-P8: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 3RD PETITIONER BEFORE THE THIRD RESPONDENT DATED 20.06.2015**
- EXHIBIT-P9: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 4TH PETITIONER BEFORE THE THIRD RESPONDENT DATED 20.06.2015**
- EXHIBIT-P10: TRUE COPY OF THE COMMON JUDGMENT IN W.P.(C). 18580/2015 AND 18786/2015 DATED 24.06.2015**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 21320 OF 2015

Dated this the 15th day of July, 2015

JUDGMENT

W.P.(C).Nos.18580/2015 and 18786/2015 filed by persons similarly situated have been disposed of by Ext. P10 judgment. The directions therein which are extracted below will govern the petitioners herein 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.

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**

DCS