

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE V.CHITAMBARESH**

**THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937**

**WP(C).No. 21611 of 2015 (B)**  
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**PETITIONER:**  
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**SUBRAMANIAN NAMBOOTHIRI  
PUNNASSERI KARINGAMAN ILLAM,  
CHERUTHANA.P.O, HARIPAD  
ALAPPUZHA.**

**BY ADVS.SRI.P.SREEKUMAR  
SRI.S.PRASANTH  
SRI.SOORAJ T.ELENJICKAL  
SRI.P.A.MOHAMMED SHAH  
SMT.UMA  
SRI.K.NANDAKUMAR  
SMT.V.A.HARITHA  
SMT.P.M.MAZNA MANSOOR  
SRI.P.VIVEK.**

**RESPONDENTS:**  
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- 1. STATE OF KERALA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT  
THIRUVANANTHAPURAM.**
- 2. ADDITIONAL CHIEF SECRETARY, REVENUE DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 3. THE DISTRICT COLLECTOR,  
ALAPPUZHA.**
- 4. THE SPECIAL TAHSILDAR,  
LAND ACQUISITION(RAILWAYS), KAYAMKULAM.**
- 5. THE DIVISIONAL MANAGER,  
SOUTHERN RAILWAY, THIRUVANANTHAPURAM.**

**R1 TO R4 BY GOVERNMENT PLEADER SRI. GIKKU JACOB  
R5 BY SRI.C.S.DIAS, SC, RAILWAYS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**WP(C).No. 21611 of 2015 (B)**

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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- EXT.P1.        A TRUE COPY OF THE NOTICE ISSUED TO THE PETITIONER.**
- EXT.P2.        A TRUE COPY OF THE COMMUNICATION DATED 08-11-2013 ISSUED  
BY THE 4TH RESPONDENT.**
- EXT.P3.        A TRUE COPY OF THE PETITION DATED 13-11-2013 SUBMITTED BY  
THE PETITIONER.**
- EXT.P4.        A TRUE COPY OF THE JUDGMENT IN WPC 3153 OF 2015.**

**RESPONDENT(S)' EXHIBITS:- NIL**

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**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**

**V. CHITAMBARESH, J**

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**W.P.(C). NO. 21611 OF 2015**  
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Dated this the 23<sup>rd</sup> day of July, 2015

**JUDGMENT**

The amount of compensation tentatively fixed by the third respondent District Collector shall immediately be disbursed to the petitioner. This however will be without prejudice to the right of the petitioner for determination of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. All other contentions are left open.

2. Nothing has been brought to my notice to show that an award has been passed in terms of Section 11 of the Land Acquisition Act, 1894 which cannot be done now also. The right of the petitioner under Section 24(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is therefore preserved.

The writ petition is disposed of.

**V. CHITAMBARESH  
JUDGE**

DCS