

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 22399 of 2015 (Y)

PETITIONER(S):

**K.S. ANTONY, AGED 51 YEARS,
S/O.K.P.DEVASSY @ SEBASTIAN, KALATHIPARAMBIL (H),
40/6588 (OLD NO.XL/6187), MARKET ROAD,
ERNAKULAM DISTRICT, COCHIN -682 016,
NOW RESIDING AT KALATHIPARAMBIL (H),
CHANDRIKA EAST LINE, MONASTRY ROAD,
KARIKKAMURY, COCHIN- 682 011.**

BY ADV. SRI.LIJOY P.VARGHESE.

RESPONDENT(S):

- 1. SPECIAL TAHSILDAR,
LAND ACQUISITION (KOCHI METRO RAIL).
OFFICE AT CIVIL STATION,
KAKKANAD, ERNAKULAM, PIN -682 030.**
- 2. DISTRICT COLLECTOR,
AT CIVIL STATION, KAKKANAD,
ERNAKULAM, PIN -682 030.**
- 3. CORPORATION OF COCHIN,
REPRESENTED BY ITS SECRETARY,
NEAR BOAT JETTY, ERNAKULAM, PIN- 682 011.**
- 4. KOCHI METRO RAIL LTD.,
REGD. OFFICE, 8TH FLOOR, REVENUE TOWER,
PARK AVENUE, KOCHI -682 011.**
- 5. K.S.JOSEPH, AGED 52 YEARS,
S/O.K.P.DEVASSY @ SEBASTIAN, KALATHIPARAMBIL (H),
MERIDIAN CENTRE, FLAT NO.D4 AND D5,
OPP. PADIYATHUKULAM, MARKET ROAD,
ERNAKULAM DISTRICT, PIN- 682 011.**

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**6. K.P. DEVASSY @ SEBASTIAN,
S/O.PAPPU, KALATHIPARAMBIL (H),
BHAGAVATHYPARAMBIL, NEAR PUTHOORAN EYE HOSPITAL,
MARKET ROAD, ERNAKULAM DISTRICT, PIN -682 011.**

**7. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO
THE MINISTRY OF PUBLIC WORKS, SECRETARIAT,
THIRUVANANTHAPURAM, PIN- 695 001.**

**R1, R2 & R7 BY GOVT. PLEADER SMT.C.K. SHERIN.
R3 BY ADV. SRI.P.K.SOYUZ, SC,
ADV. SRI.RAAJESH S.SUBRAHMANIAN, SC.
R4 BY SRI.K.JAJU BABU, SENIOR SC.
ADV. SMT.M.U.VIJAYALAKSHMI, SC.
R5 & R6 BY ADVS. SRI.SHAJI THOMAS,
SRI.BINU PAUL,
SRI.GEORGE PULIKUTHIYIL.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: THE TRUE COPY OF THE CERTIFIED DATED 21.01.2014 ISSUED BY THE INDIAN RED CROSS SOCIETY TO THE PETITIONER.
- P2: THE TRUE COPY OF THE NOTICE DATED 06.12.1991 AVAILABLE WITH THE PETITIONER WHICH WAS ISSUED BY THE ORIENTAL BANK OF COMMERCE.
- P3: THE TRUE COPY OF THE SALE DEED NO.2189/1991 DATED 24.06.1991 OF ERNAKULAM SUB REGISTRY.
- P4: THE TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER IN THE YEAR 1996 TO THE 3RD RESPONDENT FOR ALLOWING A SHOP ROOM.
- P5: THE TRUE COPY OF THE SKETCH SIGNED BY THE 5TH RESPONDENT.
- P6: THE TRUE COPY OF THE CMP.NO.8677/1993 IN OP.NO.4712/1993(J) FILED BY THE 5TH RESPONDENT.
- P7: THE TRUE COPY OF THE RECEIPT DATED 16.10.2002 ISSUED BY THE CORPORATION OF COCHIN.
- P8: THE TRUE COPY OF THE OBJECTION RAISED BY THE PETITIONER BEFORE THE 1ST AND 2ND RESPONDENTS.
- P9: THE TRUE COPY OF THE OBJECTION RAISED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- P10: THE TRUE COPY OF THE LETTER DATED 31.05.2014 RECEIVED BY THE PETITIONER FROM THE OFFICE OF THE SPECIAL TAHSILDAR (LA).

RESPONDENT'S EXHIBITS:-

- EXT.R5A COPY OF THE LAND TAX RECEIPT DATED 02/06/2015 ISSUED BY THE VILLAGE OFFICER, ERNAKULAM.
- EXT.R5B COPY OF THE SAID POSSESSION AND NON ATTACHMENT CERTIFICATE DATED 29/05/2015 ISSUED BY THE VILLAGE OFFICER, ERNAKULAM.
- EXT.R5C COPY OF THE LOCATION SKETCH WITH CERTIFICATE DATED 29/05/2015.
- EXT.R5D COPY OF THE LICENSE FEE REMITTED AT KOCHI CORPORATION FOR THE CONDUCT OF TEA SHOP.
- EXT.R5E COPY OF THE PROPERTY TAX RECEIPT DATED 16/09/2014 ISSUED BY THE CORPORATION OF KOCHI.

//TRUE COPY//

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PA. TO JUDGE

A.MUHAMED MUSTAQUE, J.

WP.(C) No.22399 of 2015

Dated this the 11th day of September, 2015

JUDGMENT

The petitioner has approached this Court seeking a direction to respondents 1 and 2 to consider his objection in respect of the awarding of compensation for the land acquired on behalf of respondents 5 and 6.

This Court is of the view that before disbursing the compensation to rightful claimants, the objection raised by the petitioner shall be considered and pass appropriate orders based on the objection. If the first respondent feels that the matter requires reference to the court, he is also free to refer the matter for apportionment of compensation to the civil court as well.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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