

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 23611 of 2014 (B)  
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PETITIONER:  
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SELVAM, AGED 31, S/O. ARUNACHALAM,  
DOUBLE STAR SALOON, MATHOOR JUNCTION,  
EROOR P.O., TRIPUNITHURA.

BY ADV. SRI. VARGHESE C. KURIAKOSE

RESPONDENT(S):  
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1. STATE OF KERALA, REP. BY SECRETARY,  
DEPT. OF REVENUE, SECRETARIAT,  
TRIVANDRUM.
2. LAND REVENUE COMMISSIONER  
STATE OF KERALA, PUBLIC OFFICE BUILDING  
MUSEUM JUNCTION, TRIVANDRUM.
3. THE DISTRICT COLLECTOR  
ERNAKULAM DISTRICT,  
CIVIL STATION, ERNAKULAM.
4. THE SPECIAL TAHSILDAR  
L.A. RAILWAYS, KARSHAKA ROAD,  
ERNAKULAM, KOCHI - 682 016.
5. THE TRIPUNITHURA MUNICIPALITY  
MUNICIPAL OFFICE, LAYAM ROAD,  
TRIPUNITHURA, REP. BY ITS SECRETARY.
6. THE CHAIRMAN, TRIPUNITHURA MUNICIPALITY,  
MUNICIPAL OFFICE, LAYAM ROAD, TRIPUNITHURA.
7. THE ROADS AND BRIDGES DEVELOPMENT CORPORATION  
OF KERALA LTD., 2ND FLOOR, PREETHI ROAD,  
M.V. ROAD, PALARIVATTOM, KOCHI - 25  
REP. BY ITS MANAGING DIRECTOR.

R5, R6 BY ADV. SRI. V.M. KURIAN, SC, TRIPUNITHURA MUNICIPALITY  
R4 BY GOVERNMENT PLEADER SRI. JOE KALLIATH  
R7 BY ADV. SRI. M. VIJAYA KUMAR, SC, RBDCK  
R-R1-R4 BY ADV. SRI. K.A. JALEEL, ADDL. ADVOCATE GENERAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-05-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

- EXT.P1 : TRUE PHOTOSTAT COPY OF THE RENT AGREEMENT DATED 1.5.2009 EXECUTED BY THE BUILDING OWNER IN FAVOUR OF THE PETITIONER
- EXT.P2 : TRUE PHOTOSTAT COPY OF THE REPRESENTATION TO THE 6TH RESPONDENT ON 1.12.2009 SUBMITTED BY THE ACTION COMMITTEE
- EXT.P3 : TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED 25.1.2010 ISSUED TO THE PETITIONER
- EXT.P4 : TRUE PHOTOSTAT COPY OF THE DETAILED CLAIM STATEMENT CUM OBJECTION WAS GIVEN BY THE PETITIONER ON 21.6.2013
- EXT.P5 : TRUE PHOTOSTAT COPY OF THE NOTICE DATED 4.6.2013 ISSUED BY THE 4TH RESPONDENT
- EXT.P6 : TRUE PHOTOSTAT COPY OF THE PROCEEDINGS OF THE LAND REVENUE COMMISSIONER DATED 12.9.2013
- EXT.P7 : TRUE PHOTOSTAT COPY OF THE G.O(MS) NO.419/11/RD DATED 15.11.2011
- EXT.P8 : TRUE PHOTOSTAT COPY OF THE G.O(MS) NO.182/12/ RD DATED 3.5.2012
- EXT.P9 : TRUE PHOTOSTAT COPY OF THE DETAILED REQUEST DATED 25.2.2014 TO THE RESPONDENTS
- EXT.P10 : TRUE PHOTOSTAT COPY OF THE REQUEST DATED 27.8.2014

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

**V. CHITAMBARESH, J**

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**WP(C) NO. 23611 OF 2014**  
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Dated this the 28<sup>th</sup> day of May, 2015

**JUDGMENT**

There cannot be any serious dispute to the fact that the petitioner was conducting a hair cutting saloon in the property acquired. The petitioner was one among the tenants in occupation of the shop room in the building 'Mani Vihar'. Ext.P5 notice under the Land Acquisition Act, 1984 is addressed to the petitioner as the proprietor of 'Double Star Saloon'. Ext.P11 notice issued by the Special Tahsildar (Land Acquisition) directs the petitioner and others to vacate the premises.

2. The Land Revenue Commissioner has by Ext.P6 proceedings accorded sanction for land acquisition subject to the rehabilitation steps. The relevant clause in Ext.P7 rehabilitation and resettlement package is as follows:

“Tenants in occupation for a minimum of three years who lose their source of income will be paid a one-time allowance. Road side vendors and other small scale industries shall be covered in this category”.

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3. There is no justification to deny the rehabilitation compensation to the petitioner when even road side vendors have been paid. I do feel that the petitioner is also entitled to a sum of ₹2,00,000/- (Rupees Two lakhs only) as compensation under the rehabilitation scheme. The said sum has been paid to the other tenants in occupation who have lost their source of income.

4. The fifth respondent is directed to effect the payment of compensation under Ext.P7 rehabilitation and resettlement package to the petitioner within a period of two months.

The Writ Petition is disposed of. No costs.

**V. CHITAMBARESH  
JUDGE**

ncd