

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 23801 of 2015 (A)

PETITIONER:

P. DAMODARAN, AGED 66 YEARS,
S/O. KUNHIRAMAN, PUNCHAKKAD,
P.O. PAYYANNUR, KANNUR DISTRICT.

BY ADV. SRI. V. N. RAMESAN NAMBIAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR
KANNUR PIN 670 001.
2. THE SPECIAL TAHSILDAR (L.A.),
NAVAL ACADEMY, PAYYANNUR
(NOW AT THALASSERY), PIN 670 104.

BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF APPLICATION UNDER SECTION 28A ACT DATED 26.12.1989 FILED BY THE PETITIONER BEFORE THE ND RESPONDENT.
- EXHIBIT P2 : TRUE COPY OF REJECTION ORDER OF 2ND RESPONDENT REF. NO. 711/97 DATED 26.07.2001.
- EXHIBIT P3 : TRUE COPY OF APPLICATION UNDER SECTION 28A ACT DATED 31.03.2015 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 23801 OF 2015

Dated this the 6th day of August, 2015

JUDGMENT

The contentions of the petitioner are two fold and they are as under:

(i) The reasons stated in Ext.P2 order rejecting Ext.P1 application filed under Section 28A(1) of the Land Acquisition Act, 1894 are untenable in law.

(ii) Ext.P3 application filed under Section 28A(3) of the Land Acquisition Act, 1894 has not been disposed of as yet.

2. The correctness of Ext.P2 order has to be tested while disposing of Ext.P3 application. Ext.P3 application shall be disposed of in accordance with law. The same shall be done with notice to the petitioner within a period of three months.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**