

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. 23841 of 2015 (E)

PETITIONERS:

1. DR.SUBASH, AGED 51 YEARS,
S/O. LATE DAMODARAN, PATHUPALLIL HOUSE,
THODUPUZHA VILLAGE, THODUPUZHA TALUK,
IDUKKI DISTRICT.
2. RAVI, AGED 62 YEARS, S/O. KUNJAN,
CHETTIKUNNEL HOUSE, THALAMATTOM KARA,
THODUPUZHA VILLAGE, THODUPUZHA TALUK,
IDUKKI DISTRICT.
3. RIJUMON, AGED 47 YEARS, S/O. RAGHAVAN,
KUNNENANIKKAL (POOVATHUKUNNEL) HOUSE,
THALAMATTOM KARA, THODUPUZHA VILLAGE,
THODUPUZHA TALUK, IDUKKI DISTRICT.
4. DENNY K.G., AGED 39 YEARS, S/O. GEORGE,
KANDATHIL, VENGALLOOR P.O.,
THODUPUZHA TALUK, IDUKKI DISTRICT.
5. P.K. PADMAVATHY, AGED 78 YEARS,
W/O. P.I. NARAYANAN, PATHUPALLIL HOUSE,
NEAR P&T QUARTERS, THODUPUZHA,
THODUPUZHA VILLAGE, THODUPUZHA TALUK,
IDUKKI DISTRICT.

BY ADVS.SRI.K.S.BABU
SMT.N.SUDHA
SRI.K.S.GOPI
SRI.BABU SHANKAR
SRI.K.V.WINSTON

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY TO GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM 695 001.

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2. SPECIAL TAHSILDAR (LA),
MINI CIVIL STATION, THODUPUZHA,
IDUKKI DISTRICT 695 584.
3. THE DISTRICT COLLECTOR, IDUKKI
CIVIL STATION BUILDINGS, PAINAVU P.O.,
SH 43, IDUKKI DISTRICT 85 603.

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 PHOTOSTAT COPY OF NOTICE IN FORM NO. 9(b) ISSUED BY THE 2ND RESPONDENT UNDER SECTION 9(3) OF THE LAND ACQUISITION ACT, 1894 TO THE 1ST PETITIONER.
- EXHIBIT P2 : TRUE PHOTOSTAT COPY OF THE CLAIM STATEMENT SUBMITTED BY THE 1ST PETITIONER TO THE 2ND RESPONDENT ON 19.07.2015.
- EXHIBIT P3 : THE TRUE PHOTOSTAT COPY OF THE CLAIM STATEMENT SUBMITTED BY THE 2ND PETITIONER TO THE 2ND RESPONDENT ON 24.07.2015.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 23841 OF 2015

Dated this the 6th day of August, 2015

JUDGMENT

The proceedings evidently started when the Land Acquisition Act, 1894 was in force. But no award under Section 11 thereof was passed before 31.12.2013. Any award passed after 01.01.2014 can only be under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This is the purport and intent of Section 24(1) of the said Act.

2. It is clarified that the petitioners are entitled to have the compensation determined under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioners are however free to accept any amount tentatively awarded now without prejudice to their right for determination of the compensation as aforesaid.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**