

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 27766 of 2010 (U)

PETITIONER:

ASOK.V, S/O.C.VISWANATHAN, AGED 33 YEARS,
'KARTHIKA', T.C.7/158, NEERAZHI LANE,
ULLOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.R.SANJITH

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR, COLLECTORATE,
CIVIL STATION, KUDAPANAKUNNU,
THIRUVANANTHAPURAM-695 043.
3. LAND ACQUISITION OFFICER, THE SPECIAL TAHSILDAR,
ADDITIONAL LAND ACQUISITION UNIT,
CIVIL STATION, KUDAPANAKUNNU,
THIRUVANANTHAPURAM-695 043.
4. REVENUE INSPECTOR, ADDL. LAND ACQUISITION
UNIT, CIVIL STATION, KUDAPANAKUNNU
THIRUVANANTHAPURAM 695 043.
5. THE ASSISTANT ENGINEER, OFFICE OF THE
ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT
CANTONMENT ROAD SECTION, P.M.G,
THIRUVANANTHAPURAM 695 033.

BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF THE TAX RECEIPT BEARING NO. 1506090 DATED 22/12/2007.
- EXHIBIT P2 : NOTICE UNDER SECTION 9(1) READ WITH RULE 11(1) OF THE LAND ACQUISITION ACT, 1894 DATED 15.02.2005.
- EXHIBIT P3 : NOTICE BEARING L.A.C. NO. 151/08 DATED 27/08/2008 ISSUED TO THE PETITIONER.
- EXHIBIT P3(a) : NOTICE BEARING L.A.C. NO. 151/2008 DATED 127/08/2008 ISSUED TO THE PETITIONER'S BROTHER.
- EXHIBIT P4 : A TRUE COPY OF THE AWARD BEARING NO. 13/2008 DATED 20/10/2008.
- EXHIBIT P5 : DETAILS OF TRANSFER BEARING NO. L.A.C. NO. 151/08 DATED 19/11/2008
- EXHIBIT P6 : TRUE COPY OF APPLICATION UNDER SECTION 18(1) AND SECTION 28A(3) OF THE LAND ACQUISITION ACT.
- EXHIBIT P7 : A TRUE COPY OF THE NOTICE ISSUED BY THE 5TH RESPONDENT BEARING NO. C.T.S. 107/2003 DATED 31.08.2010.
- EXHIBIT P8 : TRUE COPY OF THE OBJECTION PREFERRED BY THE PETITIONER DATED 04.09.2010.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 27766 OF 2010

Dated this the 4th day of June, 2015

JUDGMENT

The parties are at variance as to whether the entirety of the building has been valued for the purpose of land acquisition. The valuation if so made would indicate that the debris of the building would belong to the government.

2. The petitioner has in this regard filed Ext.P8 objection to Ext.P7 notice demanding demolition of structure. I direct the fifth respondent to consider Ext.P8 objection with notice to the petitioner and other affected parties. The judgment of the court answering the application for reference (LAR No. 107/2010) shall also be adverted to in the exercise.

3. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**