

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 24386 of 2015 (W)

PETITIONERS:

- 1. JAYASREE, AGED 38 YEARS
D/O. RETNAM, MULLAPPALLY HOUSE, EROOR P.O.
THRIPUNITHURA, ERNAKULAM DISTRICT.**
- 2. VIJAYASREE, AGED 42 YEARS
D/O. RETNAM, MULLAPPALLY HOUSE, EROOR P.O.
THRIPUNITHURA, ERNAKULAM DISTRICT.**

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, ERNAKULAM
CIVIL STATION, KAKKANADU, PIN-682023.**
- 2. THE SPECIAL TAHSILDAR
(L.A.) RAILWAYS, KARSHAKA ROAD
NEAR SOUTH RAILWAY BRIDGE, ERNAKULAM, KOCHI-16.**
- 3. THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM-695001.**

BY SR. GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 24386 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE AWARD NO.20 IN LAC N O . 5/13 IN RESPECT OF 5.55 ARES OF PROPERTY OF THE 1ST PETITIONER.

EXHIBIT P2- TRUE COPY OF THE CONSENT LETTER ISSUED BY THE 1ST PETITIONER DATED 03-05-2015.

EXHIBIT P3- TRUE COPY OF THE CERTIFICATE OF VALUATION DATED 04-12-2013 REGARDING THE CONSTRUCTION OF 1ST PETITIONER.

EXHIBIT P4- TRUE COPY OF THE AWARD NO. 17 IN LAC NO. 4/13 IN RESPECT OF 1.24 ARES OF PROPERTY OF THE 2ND PETITIONER.

EXHIBIT P5- TRUE COPY OF THE CONSENT LETTER ISSUED BY THE 2ND PETITIONER DATED 03-05-2015.

EXHIBIT P6- TRUE COPY OF THE CERTIFICATE OF VALUATION DATED 04-12-2013 REGARDING THE CONSTRUCTION OF 2ND PETITIONER.

EXHIBIT P7- TRUE COPY OF THE JUDGMENT IN WPC NO. 16866 OF 2015 (G) DATED 5-06-2015 IN IDENTICAL CASE.

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 24386 OF 2015

Dated this the 11th day of August, 2015

JUDGMENT

Exts. P1 and P4 awards in L.A.C. Nos. 5/13 and 4/13 were passed only on 02.05.2014. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force with effect from 01.01.2014.

2. Therefore the determination of compensation under Exts. P1 and P4 awards can only be treated as tentative. The same would be without prejudice to further determination under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 applies. It is

clarified that the right of the petitioners under the Act aforesaid remains unhindered by the receipt of compensation in Exts. P1 and P4 awards.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS