

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 24541 of 2015 (P)

PETITIONER:

C.I. ROSILY, W/O. VARKICHAN,
EDASSERY HOUSE, ALUVA,
ERNAKULAM DISTRICT.

BY ADVS. SRI. N. N. SUGUNAPALAN (SR.)
SRI. S. SUJIN

RESPONDENTS:

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1. SPECIAL THAHSILDAR (LA NO.2)
KOCHI METRO RAIL PROJECTS,
KAKKANAD, ERNAKULAM 682 030.
 2. KOCHI METRO RAIL LTD. REPRESENTED BY
ITS MANAGING DIRECTOR, REGISTERED OFFICE,
8TH FLOOR, REVENUE TOWER,
PARK AVENUE, ERNAKULAM.
 3. DISTRICT COLLECTOR,
ERNAKULAM 682 030.
 4. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURM 695 001.

R2 BY ADV. SRI. K. JAJU BABU (SR.)
R2 BY ADV. SMT. M. U. VIJAYALAKSHMI, SC, KOCHI METRO RAIL LTD.
BY GOVERNMENT PLEADER SMT. DEEPA G. N.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE ORDER DATED 3-6-15 IN IA.NO.634/15
- EXHIBIT P2 : TRUE COPY OF THE AWARD DATED 12-5-2015 IN RESPECT OF 0.1868 HECTORS AND RELATING TO LAC NO.131/14(A)/LA II
- EXHIBIT P3 : TRUE COPY OF THE AWARD DATED 15-6-2015 IN RESPECT OF 0.0081 HECTORS AND RELATING TO LAC NO.21/14/LA II
- EXHIBIT P4 : TRUE COPY OF THE JUDGMENT DATED 13-7-2015 IN WPC.NO.20868/2015
- EXHIBIT P5 : TRUE COPY OF THE PROCEEDING OF THE DISTRICT COLLECTOR, ERNAKULAM DATED 11-6-2015 DIRECTING DEDUCTION OF THE INCOME TAX FROM THE COMPENSATION PAYABLE TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 24541 OF 2015

Dated this the 13th day of August, 2015

JUDGMENT

The tentative assessment of compensation made under Exts.P2 and P3 proceedings are evidently not under the Land Acquisition Act, 1894. Therefore no income tax or stamp duty is deductible under Section 96 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The petitioner is permitted to withdraw the amount in deposit on appropriate motion without any deduction as aforesaid.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd