

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 24549 of 2015 (P)

PETITIONER:

MARY KUTTY, AGED 60 YEARS,
W/O.V.O.MATHEW, VALLIYAMPOIKAYIL,
VALACHIRA, KADUTHURUTHI P.O.,
KOTTAYAM DISTRICT - 686 604.

BY ADVS.SRI.N.K.KARNIS
SRI.LATHEESH SEBASTIAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
KOTTAYAM - 686 001.
2. THE SPECIAL TAHSILDAR, LA,
RAILWAY, KOTTAYAM - 686 001.
3. THE GENERAL MANAGER,
SOUTHERN RAILWAY,
CHENNAI-600 001.

BY SRI.C.S.DIAS, SC, RAILWAYS
BY GOVERNMENT PLEADER SMT. DEEPA G.N.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE AWARD OF THE 2ND RESPONDENT DT 12-2-2015.
- EXHIBIT P2 : TRUE COPY OF THE NOTICE OF AWARD UNDER SEC.12(2) OF THE LAND ACQUISITION ACT.
- EXHIBIT P3 : TRUE COPY OF THE MAHAZAR PREPARED BY THE 2ND RESPONDENT DATED 1-4-2015.
- EXHIBIT P4 : TRUE COPY OF THE NOTICE OF THE 2ND RESPONDENT DATED 20-3-2015 IN LAC.NO.1/2014
- EXHIBIT P5 : TRUE COPY OF THE REPRESENTATION OF THE PETITIONER.
- EXHIBIT P6 : TRUE COPY OF THE ACKNOWLEDGEMENT CARD ACCEPTING EXT P5

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 12th day of August, 2015

JUDGMENT

Evidently Ext.P1 award is passed much after 01.01.2014 which is the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The amount has been calculated therein only in accordance with the provisions of the Land Acquisition Act, 1894 under which the proceedings commenced. The amount quantified in Ext.P1 award is subject to further determination 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)(a) of the said Act.

2. It is clarified that the receipt of the amount under Ext.P1 award will be without prejudice to the claim of the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. No income tax or stamp duty shall also

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be levied for the amount received in view of Section 96 of the Act. The petitioner has filed Ext.P5 representation seeking reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The said application shall be dealt as per law within three months.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd