

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 24978 of 2015 (V)

PETITIONER:

P.P. AYISHA LAINAKAKALILLATH, W/O P.K. RAZAK,
RESIDING AT PAKKAM, BELUR VILLAGE,
HOSDURG TALUK, P.O. PADIMARATHU.

BY ADVS. SRI. T. SETHUMADHAVAN (SR.)
SRI. PUSHPARAJAN KODOTH
SRI. K. JAYESH MOHANKUMAR
SMT. VANDANA MENON

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY
THE SECRETARY TO PUBLIC WORKS DEPARTMENT
TRIVANDRUM-695001.
2. SPECIAL TAHSILDAR (LAND ACQUISITION)
(GENERAL), KASARAGOD-671121.
3. SECRETARY, KODOM BELUR
PANCHAYATH, KASARAGOD-671532.

BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18-08-2015,
ALONG WITH WP(C) NOS. 24999/2015 AND 25002/2015 THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

WP(C).No. 24978 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE JUDGMENT DATED 6.1.2015 IN WPC
NO.25014/2013 ON THE FILE OF THIS HON'BLE COURT.
- EXHIBIT P2 : TRUE COPY OF THE PROCEEDINGS DATED 14.7.2015
(NO.A912/2000) OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NOs. 24978, 24999 & 25002 OF 2015

Dated this the 18th day of August, 2015

JUDGMENT

The proceedings rejecting an application filed under Section 28A(1) of the Land Acquisition Act, 1894 ('the Act' for short) are impugned. The petitioners have an effective alternate remedy by recourse to Section 28A(3) of the Act seeking a reference to the court for determination of the compensation. A writ petition at this juncture invoking Article 226 of the Constitution of India is misconceived.

The Writ Petitions are dismissed without prejudice to the statutory remedy as indicated above.

**V. CHITAMBARESH
JUDGE**

ncd