

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. 25151 of 2015 (T)

PETITIONER:

T.C.SANTHOSHKUMAR, AGED 41 YEARS,
S/O. CHANDRASEKHARAN, THUNDATHIL HOUSE,
EROOR P.O., THRIPIUNITHURA PIN 682 306.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

1. THE DISTRICT COLLECTOR, ERNAKULAM,
CIVIL STATION, KAKKANADU PIN 682 023.
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 - 695 001.

BY GOVERNMENT PLEADER SMT. DEEPA G.N.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE REPRESENTATION DATED 06.01.2014
SUBMITTED BEFORE 2ND RESPONDENT FOR APPLYING NEW ACT.
- EXHIBIT P2 : TRUE COPY OF THE AWARD NO. 7/14 IN LAC NO. 9/13 IN RESPECT
OF .62 ARES OF PROPERTY OF THE PETITIONER.
- EXHIBIT P3 : TRUE COPY OF THE AWARD IN LAC NO. 8/13 IN RESPECT OF 1.06
ACRES OF PROPERTY OF THE PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION DATED 08.11.2014
SUBMITTED BEFORE 2ND RESPONDENT FOR APPLYING NEW ACT.
- EXHIBIT P5 : TRUE COPY OF THE CONSENT LETTER ISSUED BY THE
PETITIONER DATED 18.02.2015 IN LAC 08/13.
- EXHIBIT P6 : TRUE COPY OF THE CONSENT LETTER ISSUED BY THE
PETITIONER DATED 14.02.2015 IN LAC 09/13.
- EXHIBIT P7 : TRUE COPY OF THE JUDGMENT IN WP(C) NO. 16866 OF 2015 (G)
DATED 05.06.2015 IN IDENTICAL CASE.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 25151 OF 2015

Dated this the 18th day of August, 2015

JUDGMENT

Evidently Ext.P2 award No. 7/2014 in L.A.C. No. 9/2013 and Ext.P3 award in L.A.C. No. 9/2013 were passed only on 05.02.2014 and 03.03.2014 respectively. 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.P2 and P3 awards and other statutory rights 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 under Exts.P2 and P3 awards.

The Writ Petition is disposed of.

V. CHITAMBARESH
JUDGE