

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

FRIDAY, THE 7TH DAY OF DECEMBER 2012/16TH AGRAHAYANA 1934

WP(C).No. 29208 of 2012 (A)

PETITIONERS:

1. K.C MUHAMMED KUNHI,, AGED 68 YEARS
S/O KUNHIKALANTHANTAKATH SAINBA
KUNHIKALANTHANTAKATH HOUSE, ETTIKULAM P.O
ETIKULAM (VIA) RAMANTHALI, KANNUR DISTRICT
2. HASHIM,, AGED 40 YEARS
S/O K.C. MUHAMMED KUNHI, KUNHIKALANTHANTAKATH HOUSE
(VIA) RAMANTNALI, KANNUR DISTRICT
3. HABEEB,
S/O K.C. MUHAMMED KUNHI, KUNHIKALANTHANTAKATH HOUSE
(VIA) RAMANTNALI, KANNUR DISTRICT
4. ARIFFA,
D/O K.C. MUHAMMED KUNHI, KUNHIKALANTHANTAKATH HOUSE
(VIA) RAMANTNALI, KANNUR DISTRICT
5. HARISH,
S/O K.C. MUHAMMED KUNHI, KUNHIKALANTHANTAKATH HOUSE
(VIA) RAMANTNALI, KANNUR DISTRICT
6. AFZAL
S/O K.C. MUHAMMED KUNHI, KUNHIKALANTHANTAKATH HOUSE
(VIA) RAMANTNALI, KANNUR DISTRICT
7. HAFEEZA,
D/O K.C. MUHAMMED KUNHI, KUNHIKALANTHANTAKATH HOUSE
(VIA) RAMANTNALI, KANNUR DISTRICT

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

1. THE SPECIAL TAHSILDAR (GENERAL) LAND ACQUISITION,
EZHIMALA NAVAL ACADEMY, THALASSERI 670104
2. THE DISTRICT COLLECTOR,
KANNUR 670001

BY GOVERNMENT PLEADER SMT.SUNITHA VINOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-12-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 29208/2012

PETITIONER'S EXTS:

EXT.P1: TRUE COPY IF APPLICATION DT.5.3.2011 FILED BY THE 1ST
PETITIONER UNDER SECTION 28A OF THE LAND ACQUISITION ACT

EXT.P2: -DO- NO: 884/11/G/D.DIS DT.9-2-2011 ISSUED BY THE 2ND
RESPONDENT REJECTING EXT.P1 APPLICATION

JJ

/TRUE COPY/

P.S.TO JUDGE

V. CHITAMBARESH, J

W.P.(C). NO. 29208 OF 2012

Dated this the 24th day of February, 2015

JUDGMENT

Ext. P1 application filed for redetermination of compensation under Section 28A of the Land Acquisition Act 1894 has been rejected by Ext. P2 order. The only reason stated therein is that such a redetermination cannot be had on the basis of a revised judgment. This view is palpably wrong in view of the authoritative pronouncement of the Supreme Court on the issue.

2. Ext. P2 order is accordingly quashed and the first respondent is directed to reconsider Ext. P1 application as per law. The same shall be done with notice to the petitioners within a period of two months.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS