

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 28398 of 2013 (Y)

PETITIONERS:

- 1. M.M.SHAHUL HAMEED, AGED 58 YEARS
S/O.MOHAMMED NOOHU, CENTRAL LODGE, POWER HOUSE ROAD
THIRUVANANTHAPURAM.**
- 2. M.M.LIYAKATH ALI, AGED 51 YEARS
S/O.MOHAMMED NOOHU, CENTRAL LODGE, POWER HOUSE ROAD
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.A.ABDUL HAKKIM
SRI.A.CHANDRA BABU**

RESPONDENTS:

- 1. THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY SECRETARIAT
THIRUVANANTHAPURAM, PIN - 695 001**
- 2. THE DISTRICT COLLECTOR
COLLECTORATE, THIRUVANANTHAPURAM, PIN - 695 005**
- 3. THE SPECIAL TAHSILDAR
ADDITIONAL L.A.UNIT, VANCHIYOOR, THIRUVANANTHAPURAM
PIN - 695 035.**

BY SR. GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE AWARD DATED 26.9.2013 IN LAC 87/2007

**EXT.P-2: TRUE COPY OF THE ORIGINAL CIVIL SUIT FILED BEFORE THE
MUNSIFF COURT, THIRUVANANTHAPURAM OS NO.1726/07 DATED
26.10.07**

**EXT.P-3: TRUE COPY OF THE ADVOCATE COMMISSIONER REPORT DATED
24.11.2007**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 28398 OF 2013

Dated this the 9th day of June, 2015

JUDGMENT

The petitioners have not produced a copy of the application allegedly filed under Section 18 of the Land Acquisition Act, 1894. The Government Pleader on instructions submitted that no such application could be traced out in the office of the third respondent as well. Therefore there cannot be any direction to the respondents to make a reference to the Land Acquisition Court as sought.

2. I however make it clear that the petitioners are at liberty to invoke Section 28A of the Land Acquisition Act, 1894. Such a motion can be made at the appropriate time after satisfying the pre-requisites.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS