

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 26621 of 2014 (C)

PETITIONERS:

- 1. C.J.OOMMEN, AGED 75 YEARS
S/O.LATE C.O.JACOB, RESIDING AT BOBBY VILLA
PAPPANAMCODE.P.O, THIRUVANANTHAPURAM.**
- 2. SMT.GLADY VARGHESE, AGED 74 YEARS
W/O.C.J.OOMMEN,
RESIDING AT BOBBY VILLA, PAPPANAMCODE.P.O
THIRUVANANTHAPURAM.**
- 3. SMT.SHEEJA.K,
RESIDING AT S.S.NIVAS, KUTTIKADU, MALAYINKIL
NOW RESIDING AT MAKYIRAM, T.C.54/279(10), THULAVILA
NEMOM, THIRUVANANTHAPURAM.**
- 4. SRI.SANTHAKUMAR, AGED 37 YEARS
S/O.SASEENDRAN NAIR, RESIDING AT "SREELAKSHMI", PRA-61
SREEDHARAN PILLAI ROAD, PAPPANAMCODE.P.O, TRIVANDRUM.**

**BY ADVS.SRI.THOMAS ABRAHAM
SMT.MERCIAMMA MATHEW
SRI.ASWIN.P.JOHN
SRI.T.S.PRASANNAKUMAR**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY
GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. SECRETARY,
DEPARTMENT OF LAW, GOVERNMENT OF KERALA, SECRETARIAT
TRIVANDRUM-695001.**
- 3. SECRETARY,
DEPARTMENT OF REVENUE, GOVERNMENT OF KERALA
SECRETARIAT, TRIVANDRUM-695001.**

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**4. SECRETARY,
PUBLIC WORKS DEPARTMENT, GOVERNMENT OF KERALA
SECRETARIAT, THIRUVANANTHAPURAM-695001.**

**5. DISTRICT COLLECTOR,
COLLECTORATE, TRIVANDRUM-695001.**

**6. LAND ACQUISITION OFFICER & DEPUTY COLLECTOR(LA),
COLLECTORATE, TRIVANDRUM - 695 001**

R1 TO R6 BY SR. GOVERNMENT PLEADER SRI. C.S. MANILAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-08-2015, ALONG WITH W.P.(C). NOS. 30358/2014 & 16152/2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1** **COPY OF THE NOTICE BEARING NUMBER LAC NO.238/13 DATED 1.10.2014 ISSUED BY THE 6TH RESPONDENT**
- EXT.P1(a)** **COPY OF THE NOTICE OF THE AWARD BEARING THE SAME REFERENCE NUMBER AS EXT.P1**
- EXT.2** **COPY OF THE NOTICE BEARING NUMBER LAC NO.374/13 DATED 1.10.2014 ISSUED BY THE 6TH RESPONDENT**
- EXT.P2(A)** **COPY OF THE NOTICE OF THE AWARD BEARING THE SAME REFERENCE NUMBER AS EXT.P2**
- EXT.P3** **COPY OF THE NOTICE BEARING NUMBER LAC NO.235/13 DATED 1.10.2014 ISSUED BY THE 6TH RESPONDENT**
- EXT.P3(a)** **COPY OF THE NOTICE OF THE AWARD BEARING THE SAME REFERENCE NUMBER AS EXT.P3**
- EXT.P4** **COPY OF THE REPRESENTATION DATED 4.10.2014 SUBMITTED BY THE 1ST AND 2ND RESPONDENTS**
- EXT.P4(a)** **COPY OF THE REPRESENTATION SUBMITTED BY THE 4TH PETITIONER**
- EXT.P4(b)** **COPY OF THE REPRESENTATION DATED 4.10.2014 SUBMITTED BY THE 3RD PETITIONER.**
- EXT. P5** **PHOTOGRAPHS REVEALING THE HIGHLY PITIABLE STATE OF THE 1ST AND 2ND PETITIONERS AFTER THE DIGGING OF THE TRENCH**

RESPONDENT(S)' EXHIBITS:-

- R5(a):** **A TRUE COPY OF THE ROUGH SKETCH SHOWING LOCATION**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

**W.P.(C). Nos. 26621, 30358 of 2014
& 16152 of 2015**

Dated this the 11th day of August, 2015

JUDGMENT

The notices issued preparatory to the passing of awards determining compensation for land acquisition are impugned. It now transpires that awards have been passed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioner in W.P.(C). No. 16152/2015 has a serious objection as regards the extent of the land acquired. The report dated 02.07.2015 filed by Mr. N. Mahesh, Advocate Commissioner is heavily relied on.

2. The petitioners in all the three writ petitions have a grievance as regards the amount of compensation. They contend that the market value has not been determined properly by the District Collector.

3. All the contentions urged by the petitioners can be properly dealt with by the authority under Section 64

of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. I should note that no objection has been filed by anybody to the report of the Advocate Commissioner so far.

4. The petitioners are free to pocket the amount now awarded without prejudice to their right to have reference to the authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The amount shall be disbursed without any deduction for income tax, stamp duty and other fees under Section 96 thereof.

5. The respondents are free to tender the amount directly to the petitioners on proof of their identity. The amount if any deposited in court by the respondents can be permitted to be withdrawn by the depositor to effect payment.

6. The Senior Government Pleader assures this Court that the compensation amount will be paid without

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delay. Every endeavour shall be made to satisfy the
award within a period of two weeks from today.

The writ petitions are disposed of.

**V. CHITAMBARESH
JUDGE**

DCS