

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 26681 of 2014 (I)

PETITIONERS:

1. SOUDAMINI P.V., AGED 50 YEARS,
D/O. LATE NARAYANI AMMA ALIAS AMMALU,
SREENILAYAM, AROLI P.O., KANNUR DIST., KERALA STATE.
2. P.V. DAKSHAYANI, AGED 47 YEARS,
D/O. LATE NARAYANI AMMA, SREENILAYAM,
AROLI P.O., KANNUR DIST.
3. SUKUMARAN P.V., AGED 44 YEARS,
S/O. LATE NARAYANI AMMA, SREENILAYAM,
AROLI P.O., KANNUR DIST.
4. RATHI P.V., AGED 41 YEARS,
D/O. LATE NARAYANI AMMA,
SREENILAYAM, AROLI P.O., KANNUR DIST.
5. VINOD P.V., S/O. LATE NARAYANI AMMA,
SREENILAYAM, AROLI P.O., KANNUR DIST.
6. MANOJ P.V., S/O. LATE NARAYANI AMMA,
SREENILAYAM, AROLI P.O., KANNUR DIST.

(NOS. 2 TO 6 ARE REPRESENTED THROUGH
POWER OF ATTORNEY HOLDER NO. 1 SOUDAMINI)

BY ADVS. SRI. U. BALAGANGADHARAN
SRI. G. GIREESH

RESPONDENTS:

1. THE SPECIAL TAHSILDAR (LA),
EZHIMALA NAVAL ACADEMY,
PAYYANNUR, THALASSERY-679001.
2. THE DISTRICT COLLECTOR,
KANNUR-670001.

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3. GOVERNMENT OF KERALA REPRESENTED BY
THE CHIEF SECRETARY, THIRUVANANTHAPURAM-685991.

4. KUNHAMBU NAIR, S/O.AMMALU AMMA,
SREENILAYAM, AROLI P.O.
KANNUR DISTRICT-670141.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : COPY OF THE PARTITION DEED DATED 1.12.1978 WITH
REGISTRATION NO.3270/1978 OF SRO PAYANGADI.
- EXHIBIT P2 : COPY OF DEATH CERTIFICATE ISSUED BY THE REGISTRAR OF
BIRTHS AND DEATHS, KALLIASSERI GRAMA PANCHAYATH
DT.16.3.2009.
- EXHIBIT P3 : COPY OF THE NOTICE DATED 2.8.2010 ISSUED BY 1ST
RESPONDENT BEARING NO.B.2325/09.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 29th day of June, 2015

JUDGMENT

The issue is covered by **Sayed Mohamed Koya Thangal Vs. Union Territory of Lakshadweep [2015(1) KLT 453]**.

The award in the instant case was passed long before the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force.

2. Ext.P3 notice further reflects that the amount has been deposited in the court of the Subordinate Judge under Section 31(2) of the Land Acquisition Act, 1894. It is upto the petitioner to move the court of the Subordinate Judge by an appropriate application for disbursement of the amount after adjudicating the dispute as regards the apportionment if any.

3. The prayer of the petitioners to have the compensation amount determined under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 cannot be acceded to.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**