

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 27041 of 2014 (E)

PETITIONERS:

- 1. ALIYAKUTTY
W/O.VARGHESE, MUNDADAN HOUSE, ANGAMALY P.O.
ERNAKULAM DISTRICT, PIN 683572.**
- 2. REENA
D/O.VARGHESE, MUNDADAN HOUSE, ANGAMALY P.O.
ERNAKULAM DISTRICT, PIN 683572.**
- 3. ANDREW . S/O.VARGHESE
MUNDADAN HOUSE, ANGAMALY P.O., ERNAKULAM DISTRICT
PIN 683572.**
- 4. VINCENT
S/O.VARGHESE, MUNDADAN HOUSE, ANGAMALY P.O.
ERNAKULAM DISTRICT, PIN 683572.**

**BY ADVS.SRI.S.M.PRASANTH
SRI.C.DINESH
SMT.ASHA BABU
SRI.G.RENJITH
SMT.AMMU CHARLES
SMT.JINNU SARA GEORGE
SRI.K.RAMAKUMAR (SR.)**

RESPONDENTS:

- 1. STATE OF KERALA
REP.BY THE CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM, PALAYAM P.O., PIN 695001.**
- 2. THE COMMISSIONER (LAND REVENUE)
THIRUVANANTHAPURAM, PUBLIC BUILDING
THIRUVANANTHAPURAM-695035.**
- 3. THE DISTRICT COLLECTOR
COLLECTORATE, KAKKANAD P.O., ERNAKULAM DISTRICT
PIN 682028.**

WP(C).No. 27041 of 2014 (E)

**4. SPECIAL TAHSILDAR (LAND ACQUISITION)
NO.3, KOCHI INTERNATIONAL AIRPORT, NEDUMBASSERY
NAYATHODU P.O., ERNAKULAM DISTRICT, PIN 683572.**

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 27041 of 2014 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: COPY OF THE NOTIFICATION ISSUED BY THE 2ND RESPONDENT
DATED 27.07.2012.**

**EXHIBIT-P2: COPY OF THE MINUTES OF THE MEETING CONDUCTED BY THE
RESPONDENTS DATED 23.05.2013.**

**EXHIBIT-P3: COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT UNDER
SECTION 9(3) OF THE LAND ACQUISITION ACT DATED 27.11.2013.**

**EXHIBIT-P4: COPY OF THE AGREEMENT EXECUTED BY THE PETITIONERS
DATED 27.12.2013.**

**EXHIBIT-P5: COPY OF THE AWARD NO.01/14 ISSUED BY THE 4TH RESPONDENT
DATED 01.10.2014.**

RESPONDENT(S)' EXHIBITS:-

EXHIBIT-R4(a): COPY OF THE G.O. (RT.) NO. 3085/14/RD DATED 05.07.2014

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO.27041 OF 2014

Dated this the 26th day of March, 2015

JUDGMENT

Ext. P5 award bearing No. 1/14 was passed on 01.10.2014 under the Land Acquisition Act, 1894. But then the said Act stood repealed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The repeal was with effect from 01.01.2014 and therefore the petitioners are entitled to redetermination of the compensation under Section 24(1) of the new Act.

2. The petitioners are free to receive the sum of Rs. 1,34,35,677/- under Ext. P5 award immediately. The same would be without prejudice for redetermination of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The redetermination can be had soon after Rules are framed under the new Act which is in process.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS