

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. 30943 of 2010 (P)

PETITIONERS:

1. JAYA BENNY, 1/590A, KUPPAIL HOUSE,
KANNADIKKADU, MARADU,
ERNAKULAM-682 304.

2. BENNY JOHN, 1/590A,
KUPPAIL HOUSE, KANNADIKKADU,
MARADU, ERNAKULAM-682 304.

BY ADVS.SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.K.JOHN MATHAI
SRI.P.BENNY THOMAS
SRI.P.GOPINATH
SMT.THUSHARA JAMES

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY SPECIAL TAHSILDAR (LA),
CIVIL STATION, KALPETTA NORTH, WAYANAD, PIN-673 122.

2. DISTRICT COLLECTOR, CIVIL STATION,
KALPETTA NORTH, WAYANAD PIN-673 122.

3. THE WAYANAD DISTRICT PANCHAYAT OFFICE,
CIVIL STATION, KALPETTA NORTH, PIN-673 122.

R,R3 BY ADV. SRI.ANIL XAVIER
R,R3 BY ADV. SRI.M.SHAHEED AHMAD
R,R3 BY ADV. SMT.K.INDU (POURNAMI)
BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE NOTIFICATION DATED 17.11.2007 PUBLISHED BY THE 1ST RESPONDENT
- EXHIBIT P2 : TRUE COPY OF THE APPLICATION DATED 20.04.2010 BY THE PETITIONERS HEREIN TO THE 3RD RESPONDENT
- EXHIBIT P3 : TRUE COPY OF THE LETTER DATED 08.03.2010 ADDRESSED BY THE SECRETARY OF THE 3RD RESPONDENT TO THE PRINCIPAL SECRETARY, LOCAL SELF GOVERNMENT
- EXHIBIT P4 : TRUE COPY OF THE APPLICATION DATED 07.07.2010 FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 30943 OF 2010

Dated this the 9th day of June, 2015

JUDGMENT

Lapse of land acquisition proceedings cannot be equated to a conscious withdrawal. It is so held in **Abdul Majeed Vs. District Collector [1993 (2) KLT 317 (DB)]**. The land acquisition in the instant case has lapsed. Compensation under Section 48 of the Land Acquisition Act arises only when there is a conscious withdrawal. The claim for compensation under Section 48 of the Land Acquisition Act is not maintainable.

The Writ Petition fails and is dismissed.

**V. CHITAMBARESH
JUDGE**

ncd