

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 28353 of 2014 (T)

PETITIONER:

**RAVEENDRAN K.P
S/O CHERIYA CHINDA PODUVAL
KODIYATH PADINHARE VEETIL,
RAMANTHALI P.O
KANNUR 670308**

BY ADV. DR.K.P.PRADEEP

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695001**
- 2. THE DISTRICT COLLECTOR,
KANNUR, CIVIL STATION, KANNUR 670002**
- 3. THE SPECIAL TAHSILDAR,
LAND ACQUISITION GENERAL/ (EZHIMALA NAVAL ACADEMY)
LA OFFICE, MINI CIVIL STATION, THALASSERY 670040**

BY SR. GOVERNMENT PLEADER SRI. S. JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 28353 of 2014 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 TRUE COPY OF THE APPLICATION DATED 26-06-2014 SUBMITTED
ON 26-06-2014 BEFORE THE 3RD RESPONDENT BY THE
PETITIONER UNDER SECTION 28A OF THE LAND ACQUISITION
ACT 1894**

**EXHIBIT P2 TRUE COPY OF THE POWER OF ATTORNEY EXECUTED ON 27-06-
2014 BY SMT. LAKSHMI AMMA AND OTHERS IN THE NAME OF THE
PETITIONER**

RESPONDENT(S)' EXHIBITS:-

**ANNEXURE R3(a) COPY OF THE PROCEEDINGS NO.DDIS. C/959/5 DATED
09.03.2009**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 28353 OF 2014

Dated this the 13th day of January, 2015

JUDGMENT

The petitioner is one among the co-owners whose property has been acquired for the Naval Academy. Ext. P1 application filed for re-determination of compensation under Section 28A of the Land Acquisition Act is pending. The petitioner seeks early consideration of the same in this writ petition.

2. The third respondent has filed a statement producing along with it Annexure R3(a) order. The same reflects that another co-owner had filed a similar application under Section 28A of the Land Acquisition Act. It is also seen that the said application was dismissed as barred by limitation.

3. The respondents contend that the second application under Section 28A of the Land Acquisition Act is not maintainable. The petitioner however asserts that the earlier application was rejected on the ground of delay and not on merits. Reliance is placed on **Madhavi v. Special Tahsildar [2003(1) KLT 813]** for this purpose.

4. Without expressing any opinion on merits, I direct the third respondent to consider Ext. P1 application as per law. Needless to say that the petitioner shall be put on notice

before final orders are passed. Every endeavour shall be made to see that orders are passed within three months.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS