

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 29526 of 2014 (M)

PETITIONER:

M.MANIKKAM, AGED 78 YEARS,
W/O.LATE P.P.KUNHAMBU, MOOSARIKOVVAL,
KUNHIMANGALAM P.O., KANNUR DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

1. DISTRICT COLLECTOR,
KANNUR-670 001.
2. THE SPECIAL TAHSILDAR (L.A.),
NAVAL ACADEMY, PAYYANNUR,
KANNUR DISTRICT-670 307.

BY GOVERNMENT PLEADER SRI. S. JAMAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

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|--------|--|
| EXT.P1 | TRUE COPY OF THE APPLICATION DATED 7/4/1998 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPNDENT |
| EXT.P2 | TRUE COPY OF THE JUDGMENT DATED 6/10/2008 IN WPC NO.25206/2008 PASSED BY THIS HONOURABLE COURT. |
| EXT.P3 | TRUE COPY OF THE APPLICATION DATED 7/4/1998 SUBSMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT |
| EXT.P4 | TRUE COPY OF THE MEMO DATED 31/10/2008 SUBMITTED BY THE COUNSEL FOR THE PETITIONER BEFORE THE 2ND RESPONDENT |
| EXT.P5 | TRUE COPY OF THE 2ND RESPONDENT REF.NO.D.DIS 1452/08 DATED 29/1/2009. |
| EXT.P6 | TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 19/2/2009. |

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 29526 OF 2014

Dated this the 22nd day of January, 2015

JUDGMENT

A typographical error crept in Ext.P3 petition while representing the same in terms of Ext.P2 judgment. It was typed as 'Payyanur' instead of 'Kannur' and the survey number was wrongly mentioned as 71/7 instead of 71/1. The fact remains that Ext. P3 petition was resubmitted along with Ext.P2 judgment of this court.

2. Ext.P2 judgment inter alia directed the respondents to consider the claim of the petitioner under Section 28A of the Land Acquisition Act. A reading of the judgment would show that the petitioner wanted redetermination of compensation for his property acquired. The errors mentioned of are only typographical and the grievance of the petitioner is discernible from a reading of Ext.P3 petition. The second respondent erred in rejecting Ext.P3 petition by Ext.P5 order purely on technical grounds.

WP(C) No. 29526/2014

2. I quash Ext.P5 order and direct the respondents to reconsider Ext.P3 petition on merits. The question of limitation is however a matter to be addressed by the second respondent while dealing with Ext.P3 petition. But Ext.P3 petition shall not be rejected on the ground of the discrepancy in the place or the survey number as earlier stated. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd