

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C) .No. 30139 of 2015 (N)

PETITIONER(S) :

1. SUNITHA PAUL,
AGED 45 YEARS, W/O.PAUL ABRAHAM, THADIKKARAN HOUSE,
MATTUR, (VIA) KALADY, ERNAKULAM DISTRICT.
2. LINY LABEES,
KOTTAKKAL HOUSE, KIDANGOOR, ANGAMALY,
ERNAKULAM DISTRICT.
3. JAMES K. MATHEW,
S/O. OF K.K.MATHEW, PARAMBATH KIZHAKKEKARA HOUSE,
MANEED P.O., MUVATTUPUZHA.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, THIRUVANANTHAPURAM - 695 001.
2. DISTRICT COLLECTOR,
ERNAKULAM - 682 030
3. REVENUE DIVISIONAL OFFICER,
FORT KOCHI - 682 001.
4. TAHSILDAR,
ALUVA TALUK, ERNAKULAM DISTRICT - 683 101.
5. SUB-REGISTRAR,
SUB REGISTRAR'S OFFICE, ANGAMALY - 683 572.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P-1: TRUE COPY OF THE LIST SHOWING THE DETAILS OF LAND JOINTLY OWNED BY THE PETITIONERS IN ANGAMALY VILLAGE.
- EXT.P-2: TRUE COPY OF THE APPLICATION DATED 1.12.2011 SUBMITTED BY THE PETITIONERS TO THE 3RD RESPONDENT FOR REDUCING THE FAIR VALUE OF PETITIONER'S PROPERTIES.
- EXT.P-3: TRUE COPY OF THE AGREEMENT ENTERED BETWEEN THE 1 AND 2ND PETITIONERS.
- EXT.P-4: TRUE COPY OF THE ORDER DATED 2.1.2014 OF THE DISTRICT COLLECTOR.
- EXT.P-5: TRUE COPY OF THE ORDER PASSED BY THIS HON'BLE COURT IN WPC 14663/2014 DATED 10.6.2014.
- EXT.P-6: TRUE COPY OF THE PASS BOOK OF THE 3RD PETITIONER MAINTAINED AT STATE BANK OF TRAVANCORE, AHMEDABAD.
- EXT.P-7: TRUE COPY OF THE PASS BOOK OF LEYA.
- EXT.P-8: TRUE COPY OF THE PASS BOOK MAINTAINED BY THE 1ST PETITIONERS AT FEDERAL BANK, NEDUMBASSERY BRANCH.
- EXT.P-9: TRUE COPY OF THE ACCOUNTS MAINTAINED BY THE 2ND PETITIONER AT FEDERAL BANK, NEDUMBASSERY BRANCH.
- EXT.P-10: TRUE COPY OF THE ACCOUNTS MAINTAINED BY THE 2ND PETITIONER AT STATE BANK OF INDIA, ANGAMALY BRANCH.
- EXT.P-11: A COPY OF THE AGREEMENT STATING THE RECEIPT OF THE AMOUNT AS WELL AS GIVING THE POSSESSION OF AN EXTENT OF 4 ACRE 37.7 CENTS OF LAND.
- EXT.P-12: A COPY OF THE ORDER OF THE R.D.O DATED 6.11.2014.
- EXT.P-13: A COPY OF THE GAZATTE DATED 16.11.2014.
- EXT.P-14: A COPY OF THE NOTIFICATION PUBLISHED IN THE OFFICIAL GAZETTE DATED 14TH NOVEMBER, 2014.
- EXT.P-15: A COPY OF THE REPRESENTATION FILED BY THE PETITIONER ON 28.3.2015.
- EXT.P-16: A COPY OF THE ORDER OF THE REVENUE DIVISIONAL OFFICER, DATED 20.4.2015.
- EXT.P-17: A COPY OF THE COMMUNICATED ISSUED BY THE DISTRICT COLLECTOR DATED 4.5.2015.
- EXT.P-18: A COPY OF THE ORDER OF THE DISTRICT COLLECTOR DATED 1.8.2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 30139 of 2015

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Dated this the 16th day of October, 2015

J U D G M E N T

The petitioners 1 and 2 are the owner of property comprised in Sy.No. 239, 243 and 244 in Block 12 of Angamaly Village. The immovable properties of the 1st and 2nd petitioners has been agreed to be transferred in favour of the 3rd petitioner. The fair value of the land was fixed as per Ext.P12 and which was finally notified as Ext.P13. The final notification of the petitioners' land was on 6.11.2014.

2. The Government on 14.11.2014 issued a notification stating that fair value already fixed shall be increased by 50%. The aggrieved has remedy to approach the District Collector to raise objection. The petitioners aggrieved by increase have approached the District Collector. The District Collector passed Ext.P18 order over ruling objection and fixed the fair value by 50% over and above the fair value fixed in Exts.P12 and P13.

3. It is to be noted that fair value of the petitioners

property was fixed only on 6.11.2014. The Government has enhanced 50% increase on the existing fair value as per order dated 14.11.2014. Therefore, much time has not been elapsed to enhance the fair value by 50%. The Government in fact ordered such increase taking note of the fact that many cases fair value has been fixed much earlier and it requires a reconsideration. In these case it may be futile to say that within a week land value has been increased as a notification of the petitioners' land value was only on 6.11.2014.

4. In that scenario this Court is of the view that Ext.P18 is liable to be set aside. The District Collector shall reconsider the matter within one month from the date of receipt of the copy of this judgment after hearing the petitioner.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE