

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 34398 of 2009 (T)

PETITIONER:

MALAYAPURA AKBAR, S/O. THENAKKAL SUBAIR,
KILTHAN ISLAND, LAKSHDWEEP.

BY ADVS.SRI.THAMPAN THOMAS
SMT.JANCY ALEX

RESPONDENTS:

1. THE ADMINISTRATOR, UNION TERRITORY OF
LAKSHDWEEP, KAVARATTI.

2. THE LAND REVENUE COLLECTOR,
COLLECTORATE, KAVARATTI.

3. KALKULAM SYED BUHARI, AGED 83 YEARS,
S/O. ABDUL KHADER, ASIKAPURA, KILTAN.

4. KALKULAM KOYA HASSAN, AGED 66 YEARS,
S/O. ABDUL KHADER, ASIKAPURA, KILTAN.

Addl.5. UMMER HAJI.P. , PURAKKARA HOUSE,
AGED 61 YEARS, S/O.ABDUL RAHMAN.E.
KILTAN ISLAND, LAKSHDWEEP.

Addl.6. KUNHI KOYA HAJI , PURAKKARA, S/O.ATTA,
KILTAN ISLAND, LAKSHDWEEP.

Addl.7. ANTHUKOYA HAJI , PURAKKARA, S/O.ATTA,
KILTAN ISLAND, LAKSHDWEEP.

Addl.8. ABOOSALA HAJI , PURAKKARA, S/O.ATTA,
KILTAN ISLAND, LAKSHDWEEP.

Addl.9. POOKOYA , PURAKKARA, S/O.ATTA,
KILTAN ISLAND, LAKSHDWEEP.

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Addl.10. SAID ASHARAF HAJI , PURAKKARA,
S/O.ATTA, KILTAN ISLAND, LAKSHDWEEP.

Addl.11. SAID MUHAMMED KOYA HAJI , PURAKKARA,
S/O.ATTA, KILTAN ISLAND, LAKSHDWEEP.

(PETITIONERS 2 TO 7 REPRESENTED THROUGH THEIR POWER OF ATTORNEY
HOLDER 1ST PETITIONER UMMER HAJI)

ADDL. R5 TO R11 ARE IMPEADED AS PER ORDER DATED 19/02/2010 IN IA
2261/2010.

R,R1 & 2 BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN
R,R3 BY ADV. SRI.T.HABDUL AZEEZ
R,R3 BY ADV. SRI.B.AMANULLA
R,ADDL.R5 TO R10 BY ADV. SRI.JACOB CHACKO
R,R4 BY ADV. SRI.K.P.SUDHEER
R,R4 BY ADV. SRI.V.C.MADHAVANKUTTY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE ORDER IN OS NO. 15/64
- EXHIBIT P2 : TRUE COPY OF THE LETTER TO THE 2ND RESPONDENT DATED 15.10.2009.
- EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION DATED 03.11.2009.

RESPONDENT(S) EXHIBITS

- EXHIBIT R3(a) : PHOTOCOPY OF THE ORDER IN ROUGH PATTANO. 784 DATED 16.01.2003 OF THE ASSISTANT SETTLEMENT OFFICER, KILTAN.
- EXHIBIT R3(b) : PHOTOCOPY OF THE NOTICE UNDER SECTION 4(1) AND SECTION 17(4) OF LAND ACQUISITION ACT 1894(1) OF 1894 DATED 15.09.2008.
- EXHIBIT R3(c) : TRUE PHOTOCOPYO F THE GIFT DEED BEARING NO. 9/64 ON 10.01.1964 IN MY FAVOUR.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 4th day of August, 2015

JUDGMENT

There is a serious dispute as regards the entitlement to receive the compensation amount by the parties. A suit for partition including the property acquired is said to be pending. Ext.P3 objection filed by the petitioner is also pending consideration with the second respondent.

2. I direct the second respondent to consider Ext.P3 objection with notice to the petitioner as well as respondents 3 to 11. The same 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