

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 32085 of 2015 (I)

PETITIONER :

**K.M. ABRAHAM., AGED 50 YEARS,
S/O. LATE K.M. MATHAI, KAVALACKAL HOUSE,
CHINGAVANAM P.O., NATTAKOM, KOTTAYAM - 686 531.**

BY ADV. SRI.GOKUL DAS V.V.H.

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY
PUBLIC WORKS DEPARTMENT,
GOVERNMENT SECRETARIAT
TRIVANDRUM - 695 001.**
- 2. DISTRICT COLLECTOR,
KOTTAYAM - 686 002.**
- 3. TAHSILDAR,
TALUK OFFICE, CHANGANACHERY, PIN - 686 101.**
- 4. SPECIAL TAHSILDAR,
LAND ACQUISITION (NH), CHANGANACHERY
KOTTAYAM - 686 101.**

R1 TO R4 BY GOVERNMENT PLEADER SRI. R. RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE BASIC TAX RECEIPT FOR THE YEAR 2015-16
PERTAINING TO THE PROPERTY OF THE PETITIONER.**

**EXHIBIT-P2: TRUE COPY OF THE AWARD DATED 20/06/2006 BEARING
NUMBER 3/06 (61) PASSED BY THE 4TH RESPONDENT**

**EXHIBIT-P3: TRUE COPY OF THE COMMUNICATION DATED 31/07/2015 BEARING
NUMBER B7-82/06(61) (45) ISSUED BY THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.32085 of 2015

.....
Dated this the 26th day of November, 2015

J U D G M E N T

The petitioner whose property was acquired for the up-gradation of the M.C.Road, is aggrieved by the inaction on the part of the respondents in granting the compensation amount due to him pursuant to the acquisition. In the writ petition, his grievance is essentially that, although the 4th respondent had called for a hearing of the petitioner and his brother Sri.K.M.Mathai so as to identify the properties that belonged to either of them, for the purposes of apportioning the compensation payable in respect of the land acquired from the two of them, in the hearing that followed on 12.08.2015, only the petitioner appeared and his brother Sri.K.M.Mathai did not appear. The 4th respondent therefore did not proceed to identify the lands that stood in the name of the petitioner, and it is under these circumstances that the compensation amount was not paid to the petitioner till date.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Government Pleader for the respondents. The learned Government Pleader on instructions would submit that the non-payment of compensation to the petitioner was on account of the fact that at the hearing scheduled on 12.08.2015, only the petitioner appeared before the 4th

respondent and his brother K.M.Mathai did not appear. It is pointed out that the said Sri.K.M Mathai is now out of the country. Taking note of the said submission of the learned Government Pleader on instructions, I am of the view that as far as the petitioner's property is concerned, insofar as there is no apparent dispute with regard to the extent of property owned by the petitioner, the payment of compensation to the petitioner need not be delayed solely because his brother has not appeared before the 4th respondent. I therefore direct the 4th respondent to verify the title deeds produced by the petitioner and identify the property which belongs to the petitioner, and thereafter, pay the compensation amounts that are due to the petitioner pursuant to Ext.P2 award, within a period of two months from the date of receipt of a copy of this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

