

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 32155 of 2015 (T)

PETITIONER :

**KOSHY VARGHESE, AGED 61 YEARS,
S/O. LATE I VARGHESE, MANCHERIL PUTHEN VEEDU,
CHERUTHANA P.O, KARUVATTA, ALAPPUZHA 690 517**

**BY ADVS.SRI.M.R.ARUNKUMAR
SRI.P.SHAMMI NAVAS
SMT.S.SUCHITRA
SMT.BHAVANA VELAYUDHAN**

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR
ALAPPUZHA DISTRICT, COLLECTORATE, ALAPPUZHA 688 001**
- 2. THE SPECIAL TAHSILDAR(LAND ACQUISITION),
RAILWAYS, KAYAMKULAM, ALAPPUZHA 690 592**
- 3. THE TALUK SURVEYOR, TALUK OFFICE,
KARTHIKAPPALLY, ALAPPUZHA 690 516**
- 4. SOUTHERN RAILWAY
REPRESENTED BY THE GENERAL MANAGER,
THIRUVANANTHAPURAM DIVISION
THIRUVANANTHAPURAM 695 001**

**R1 TO R3 BY GOVERNMENT PLEADER SRI. R. RANJITH
R4 BY ADV. SRI.JAMES KURIAN, SC, RAILWAYS
BY SRI.C.S.DIAS,SC, RAILWAYS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 32155 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN W.P(C)
NO 26561 OF 2012 DATED 9-11-2012.**

**EXHIBIT P2: COPY OF THE JUDGMENT PASSED BY THIS HONOURABLE COURT IN
WRIT PETITION W.P(C) NO 10233 OF 2015 DATED 30-03-2015.**

**EXHIBIT P3: COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT
DATED 23-05-2015**

**EXHIBIT P4: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN CONT.
CASE(C) NO 1060 OF 2015 DATED 10-08-2015.**

**EXHIBIT P5: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 28-05-2015.**

**EXHIBIT P6: COPY OF THE REPRESENTATION RECEIPT ISSUED BY THE 1ST
RESPONDENT DATED 25-09-2015**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.32155 of 2015

Dated this the 18th day of December 2015

JUDGMENT

The petitioner has approached this Court aggrieved by the inaction on the part of the respondents to take a decision on Ext.P5 representation, that was preferred by him in connection with land acquisition proceedings, involving his land. During the pendency of the writ petition, the said representation was dismissed by the 1st respondent and therefore, by an interlocutory application, the petitioner has also produced a copy of the order rejecting the representation. The grievance of the petitioner essentially is with regard to the compensation, that is payable in respect of the land acquired from the petitioner. The learned Government Pleader, relying on the counter affidavit filed on behalf of the 2nd respondent, would submit that an award has been passed under the Land Acquisition Act 1894, on 21.10.2015, in respect of the land acquired from the petitioner. Taking note of the said submission of the learned Government Pleader and finding that the award passed in 2015 is on the basis of the provisions of the Land Acquisition Act 1894 and that after the coming into force of 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation

and Resettlement Act, 2013', (hereinafter referred as '2013 Act') the respondent would necessarily would have to pass a supplementary award, taking into account the principles for fixation of compensation as enumerated in the 2013 Act, I dispose the writ petition with the following directions:-

i) The respondent shall pass a supplementary award in relation to the land acquired from the petitioner by taking into account the principles for determination of compensation as enumerated in the 2013 Act.

ii) The respondents shall pass the supplementary award, within a period of three months from the date of receipt of a copy of this judgment.

iii) I make it clear that nothing in this judgment shall prevent the petitioner from claiming the admitted amounts as found due to the petitioner by virtue of the award already passed by the respondents.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/