

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

WP(C).No. 32327 of 2015 (M)

PETITIONER(S):

**1. RAMACHANDRAN THARAKAN.K,
S/O.GOPALATHARAKAN, "MAMATA" HOUSE,
ANGADIPPURAM VILLAGE, ANGADIPPURAM P.O.,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.**

**2.K.PRABHAKARAN, S/O.KUNHIMALU AMMA,
KARTYATIL HOUSE,
ANGADIPPURAM VILLAGE, ANGADIPPURAM P.O.,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.**

**3.A.VIJAYAKUMAR, S/O.NARAYANAN NAIR,
MANAGING PARTNER, M/S.LEO SCALES & SERVICES,
P.B.NO.10, ANGADIPPURAM P.O., RESIDING AT
"SRUTHI" HOUSE, ANGADIPPURAM VILLAGE,
ANGADIPPURAM P.O., PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.**

**4.THENNANTHODI BASHEERUDHEEN, S/O.SAIDALI MUSALIYAR,
MANATHIMANGALAM, PERINTHALMANNA VILLAGE,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S):

**1.STATE OF KERALA, REP. BY SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM 695 001.**

**2.THE DISTRICT COLLECTOR, COLLECTORATE,
MALAPPURAM - 676 505.**

**3.THE DEPUTY COLLECTOR (L.A.), COLLECTORATE,
MALAPPURAM 676 505.**

4.SPECIAL TAHSILDAR, (L.A.), MALAPPURAM 676 505.

R BY GOVERNMENT PLEADER SMT.LILLY.K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE AWARD DATED 29.05.2015.

EXT.P2: COPY OF THE APPLICATION DATED 04.07.2015.

EXT.P2(A): COPY OF THE APPLICATION DATED 4.7.2015.

EXT.P2(B): COPY OF THE APPLICATION DATED 4.7.2015.

EXT.P2(C): COPY OF THE APPLICATION DATED 4.7.2015.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.32327 OF 2015 (M)

Dated this the 26th day of October, 2015

J U D G M E N T

The challenge in the writ petition is against Ext.P1 award that was passed in relation to the property acquired from the petitioners under the Land Acquisition Act. The contention of the petitioners is that Ext.P1 award was passed only on 29.5.2015, much after the coming into force of the Land Acquisition, Rehabilitation and Re-settlement Act, 2013, hereinafter referred to as the '2013 Act', and therefore the principles for determination of compensation under the 2013 Act ought to have been taken into consideration while passing the award. It is the specific case of the petitioners that in Ext.P1 award, the said principles enumerated under the 2013 Act had not been taken into account while determining the compensation due to the petitioners.

2. I have heard the learned counsel for the petitioners as also the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find that Ext.P1 award, which does not consider the principles for determination of compensation under the 2013 Act, cannot be legally sustained in view of the fact that the award was passed after the coming into force of the 2013 Act. Accordingly, I hold that Ext.P1 award shall be treated only as a provisional award and the respondents shall pass a fresh award in relation to the properties acquired from the petitioners pursuant to proceedings under the Land Acquisition Act after taking into account the principles for determination of compensation under the 2013 Act. The respondents shall do the needful within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE