

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 33518 of 2014 (L)

PETITIONER:

P.J.EAPEN, AGED 58 YEARS,
S/O. JOHN, NO.10, G.G.CASTLE,
186 LLOYD ROAD, CHENNAI-600 086

BY ADVS. SRI.S.VINOD BHAT
SRI.LEGITH T.KOTTAKKAL

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY SECRETARY,
REVENUE DEPARTMENT, THIRUVANANTHAPURAM-695 001.
2. DISTRICT COLLECTOR,
KAKKANAD, ERNAKULAM-682 030
3. SPECIAL TAHSILDAR(LA), NO.1,
KOCHI METRO RAIL PROJECT,
CIVIL STATION, KAKKANAD-682 030.
4. KOCHI METRO RAIL LIMITED,
8TH FLOOR, REVENUE TOWER, KOCHI-682 011
REPRESENTED BY ITS MANAGING DIRECTOR.

R4 BY ADV. SRI.K.JAJU BABU (SR.)
R4 BY ADV. SMT.M.U.VIJAYALAKSHMI, SC, KOCHI METRO RAIL LTD.
BY GOVERNMENT PLEADER SRI. TOM K. THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 COPY OF THE NOTICE NO.LAC NO.8/2014 DATED 03/03/2014 ISSUED BY
 THE 3RD RESPONDENT.
- EXT.P2 COPY OF THE NOTICE NO.C9-25962/2013 DATED 17/11/2014 ISSUED BY
 THE 2ND RESPONDENT.
- EXT.P3 COPY OF THE REPLY DATED 21/11/2014 ISSUED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 8th day of January, 2015

JUDGMENT

The property of the petitioner wherein a petrol bunk is situated is to be acquired for the Kochi Metro Rail Project. Ext.P2 notice issued in this regard to the petitioner inter alia states as follows:

“Land owners entitled to get the payment of eighty percentage of the compensation as decided by the DLPC. After approval of the proposed land value by the State Level Empowered Committee, further compensation if any eligible to them would be paid under the Right to Fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

The State Level Empowered Committee has tentatively assessed the market value at ₹26 lakhs and an equivalent amount as solatium. The respondents are willing to disburse 80% of the sum of ₹52 lakhs to the petitioner forthwith.

2. The petitioner is free to accept the sum on executing the necessary agreement. It is clarified that the amount received by the petitioner will be without prejudice to his right to claim

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further compensation. In other words the remedy of the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is not in any way impaired.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd