

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 33495 of 2015 (J)

PETITIONER(S) :

**N.P.P.ALEEMA, AGED 70 YEARS,
W/O.MUHAMMED KUNHI HAJI(LATE), N.P.P. HOUSE,
VADAKKUMPAD, RAMANTHALI P.O, VIA PAYYANNUR,
KANNUR DISTRICT.**

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
KANNUR, PIN-670 001.**
- 2. THE SPECIAL TAHSILDAR(LA)
NAVEL ACADEMY, PAYYANNUR
(NOW AT THALASSERY), PIN- 670 141.**

BY GOVERNMENT PLEADER SRI.R.RENJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1:** TRUE COPY OF THE APPLICATION DATED 17/02/2010 UNDER SECTION 28A OF THE LAND ACQUISITION ACT PREFERRED BY THE PETITIONER FOR 4 ITEMS OF PROPERTY BEFORE THE 2ND RESPONDENT.
- EXT.P2:** TRUE COPY OF THE APPLICATION DATED 17/02/2010 UNDER SECTION 28A OF THE LAND ACQUISITION ACT PREFERRED BY THE PETITIONER FOR 9 ITEMS OF PROPERTY BEFORE THE 2ND RESPONDENT.
- EXT.P3:** TRUE COPY OF THE APPLICATION DATED 17/02/2010 UNDER SECTION 28A OF THE LAND ACQUISITION ACT PREFERRED BY THE PETITIONER FOR 4 ITEMS OF PROPERTY BEFORE THE 2ND RESPONDENT.
- EXT.P4:** TRUE COPY OF THE ORDER D.DIS 245/10/C DATED 14/09/2010 OF THE 2ND RESPONDENT REJECTING EXT. P1 TO P3.
- EXT.P4(A):** TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARD SHOWING RECEIPT OF EXT. P4 BY THE 2ND RESPONDENT.
- EXT.P5:** TRUE COPY OF THE STATEMENT DATED 19/04/2010 SUBMITTED BY THE PETITIONER DURING HEARING THE APPLICATIONS.
- EXT.P6:** TRUE COPY OF THE APPLICATION PREFERRED BY THE PETITIONER UNDER SECTION 28A(3) OF THE LAND ACQUISITION ACT DATED 22/12/2010.
- EXT.P6(A):** TRUE COPY OF THE POSTAL RECEIPT FOR EXT. P6 DATED 28/12/2010.
- EXT.P6(B):** TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARD SHOWING RECEIPT OF EXT. P6 BY THE 2ND RESPONDENT DATED 29/12/2010.
- EXT.P7:** TRUE COPY OF THE ORDER NO. G OF THE 2ND RESPONDENT REJECTING EXT. P6 APPLICATION 1134/15 DATED 08/09/2015.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 33495 of 2015

Dated this the 23st day of November, 2015

JUDGMENT

The challenge in the writ petition is against Ext.P7 order of the 2nd respondent, whereby an application filed by the petitioner under Section 28A (3) of the Land Acquisition Act, has been rejected on the ground that it was belated by two days. Counsel for the petitioner would rely on Ext.P6(b) postal acknowledgment, which indicates that the application was received by the 2nd respondent at his office on 29.12.2010, and not 31.12.2010 as indicated in Ext.P7 order. If the application was, in fact, received on 29.12.2010, then the application would have to be treated as one filed within the time contemplated under the Land Acquisition Act. Accordingly, I quash Ext.P7 order and direct the 2nd respondent to consider Ext.P6 application submitted by the petitioner on merits, after treating the same to be filed within time. The 2nd respondent shall pass orders on Ext.P6 application, within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE