

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 34011 of 2015 (B)

PETITIONER(S):

**1. K.C. GEORGE, AGED 51 YEARS,
S/O.CHERIYAN, KALLATH HOUSE, KAVUMPADY,
MUVATTUPUZHA - 688 681.**

**2. V.P.SHAJI, AGED 55 YEARS,
S/O.POULOSE, VETTUKKATTIL HOUSE,
VADAKKE MARADY, MUVATTUPUZHA- 686 673.**

**BY ADVS.SRI.MOHAN JACOB GEORGE,
SMT.P.V.PARVATHI,
SMT.REENA THOMAS,
SRI.T.K.NAVAS.**

RESPONDENT(S):

**1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
LOCAL ADMINISTRATION, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

2. COMMISSIONER OF LAND REVENUE, PIN-695 001.

3. DISTRICT COLLECTOR, ERNAKULAM-682 001.

**4. SPECIAL TAHSILDAR (LA),
OFFICE OF THE SPECIAL TAHSILDAR, NH-1,
KAKKANAD-682 030.**

BY GOVT. PLEADER SRI.R. RANJITH.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: COPY OF THE JUDGMENT DATED 03/09/2012 IN W.A NO.2005/2013.
- P2: COPY OF NOTIFICATION UNDER SECTION 4(1) DATED 04/11/2013.
- P2(A): COPY OF NOTICE DATED 21/11/2013 BY THE SPECIAL TAHSILDAR, NH-KAKKANAD UNDER SECTION 4(A) R/W RULE 7(1) OF THE LAND ACQUISITION ACT.
- P3: COPY OF THE OBJECTION DATED 12/12/2013 SUBMITTED BY THE FIRST PETITIONER.
- P4: COPY OF OBJECTIONS DATED 12/12/2013 SUBMITTED BY THE SECOND PETITIONER.
- P5: COPY OF THE NOTICE DATED 17/12/2013 ISSUED TO THE FIRST PETITIONER.
- P6: COPY OF THE NOTICE DATED 13/12/2013.
- P6(A): COPY OF THE REQUEST DATED 17/12/2013 SUBMITTED BY THE PETITIONERS SEEKING TIME FOR HEARING.
- P7: COPY OF THE NOTIFICATION DATED 28/02/2012.
- P8: COPY OF THE MINUTES PUBLISHED AS PER PROCEEDINGS NO.C5-565/06 DATED 04/01/2013 OF THE DLPC DATED 31/12/2012.
- P9: TRUE COPY OF THE PROCEEDINGS NO.C5-55438/2003 DATED 13/12/2013.
- P10: TRUE COPY OF THE INTERIM ORDER DATED 29/11/2007 IN WP(C).NO.7573/2006.
- P11: TRUE COPY OF THE INTERIM ORDER DATED 13/04/2012 IN WP(C).NO.4787/2006.
- P12: COPY OF PETITION DATED 09/07/2005 SUBMITTED BY SRI.K.C.GEORGE - 1ST PETITIONER.
- P13: COPY OF THE EXPLANATION DATED 28/07/2005 SUBMITTED BY KSTP.
- P14: COPY OF THE REPLY/SUBMISSION DATED 12/08/2005 OF K.C.GEORGE TO EXT.P13.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.
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W.P.(C). No. 34011 of 2015
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Dated this the 7th day of December, 2015

JUDGMENT

The petitioner has approached this Court contending that the acquisition proceedings, that were initiated in respect of the property under the erstwhile Land Acquisition Act, 1894 has since lapsed. The reference made is to the acquisition proceedings, that were initiated by Ext.P2 notification. The learned Government Pleader on instructions, does not dispute the said fact. Taking note of the said stand of the learned Government Pleader, I close the writ petition, by making it clear that any acquisition proceedings in respect of the property of the petitioner, if initiated in future, would have to be in accordance with the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013, through the issuance of fresh notification under the said Act. The learned Government Pleader would submit that the properties covered by Ext.P2 notification, are sought to be purchased by the respondents by way of negotiated settlement and it is likely that the petitioner would also be approached with a similar request. I make it clear that, nothing in this judgment shall stand in the way of the respondents approaching the petitioner for a negotiated settlement, if they so choose.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE