

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 34499 of 2014 (J)

PETITIONER:

NALLAKOYA NELLAL, AGED 61 YEARS,
S/O. ABOOBACKAR, NELLAL HUSE, ANDROTH,
UNION TERRITORY OF LAKSHADWEEP, PIN-682 551

BY ADVS. SRI. E. C. BINEESH
SMT. M. B. SHYNI

RESPONDENTS:

1. THE LAND ACQUISITION COLLECTOR
ADMINISTRATION OF THE UNION TERRITORY
OF LAKSHADWEEP COLLECTORATE
KAVARATHY, PIN-682 555

2. THE ADMINISTRATOR
UNION TERRITORY OF LAKSHADWEEP,
KAVARATHY, PIN-682 555

R1 & R2 BY ADV. SRI. S. RADHAKRISHNAN, SC, LAKSHADWEEP ADMN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- | | | |
|--------|---|---|
| EXT.P1 | - | A TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DATED 15-4-2008 |
| EXT.P2 | - | A TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 8-5-2008 |
| EXT.P3 | - | A TRUE COPY OF THE REMINDER ISSUED BY THE PETITIONER DATED 14-12-2010 TO THE 1ST RESPONDENT |
| EXT.P4 | - | A TRUE COPY OF THE AWARD PASSED BY THE ADALATH DATED 29-1-2011 |
| EXT.P5 | - | A TRUE COPY OF THE OFFICE MEMORANDUM DATED 21-2-2013 ISSUED BY THE 1ST RESPONDENT |
| EXT.P6 | - | A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 18-3-2013 |
| EXT.P7 | - | A TRUE COPY OF THE DISABILITY CERTIFICATE ISSUED TO THE PETITIONER DATED 2-2-2001 BY THE ADMINISTRATION OF THE UNION TERRITORY OF LAKSHADWEEP |
| EXT.P8 | - | A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC.9689/14 DATED 08.07.2014. |

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 34499 OF 2014

Dated this the 20th day of January, 2015

JUDGMENT

Ext.P5 order rejecting the application put in by the petitioner for redetermination of the compensation under Section 28A of the Land Acquisition Act, 1984 is impugned. The application is seen rejected for the reason that the same was not accompanied by a certified copy of the award relied on.

2. This Court by Ext.P8 judgment has held that it is not necessary to produce a certified copy of the award along with the application for redetermination of compensation amount. This is however subject to the condition that the application is filed within the period of three months stipulated in the proviso to Section 28A of the Land Acquisition Act, 1984.

3. Ext.P4 award is seen passed on 19.11.2011 and the application under Section 28A of the Land Acquisition Act, 1984 was filed on 31.01.2011. There is therefore no justification on the part of the first respondent in dismissing the application put in by the petitioner on the ground of delay.

WP(C) No. 34499/2014

4. The respondents however maintain that Ext.P4 award under Section 20 of the Legal Services Authorities Act, 1987 is on the basis of a settlement only. Whether such an award could be the basis for an application under Section 28A of the Land Acquisition Act, 1984 is a matter to be decided by the first respondent.

5. I quash Ext.P5 order and direct the first respondent to reconsider the application dated 31.01.2011 put in by the petitioner for redetermination of the compensation. The same shall be done with notice to the petitioner and within a period of two months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd