

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 35089 of 2014 (I)

PETITIONERS:-

- 1. P.J.MARTIN, AGED 50 YEARS
S/O.LATE P.J.JOSEPH, PUTHUMANA HOUSE, L.F.C.ROAD
KALOOR, PIN - 682 017.**
- 2. MARY JANE, AGED 46 YEARS
W/O.P.J.MARTIN, PUTHUMANA HOUSE, L.F.C.ROAD
KALOOR, PIN - 682 017.**
- 3. MIDHUN MARTIN, AGED 15 YEARS
S/O.P.J.MARTIN, PUTHUMANA HOUSE, L.F.C ROAD
KALOOR, PIN - 682 017
REPRESENTED BY HIS MOTHER AND NATURAL GUARDIAN
MARY JANE, W/O.S/O.P.J.MARTIN, AGED 46 YEARS
PUTHUMANA HOUSE, L.F.C ROAD, KALOOR
PIN - 682 017.**

**BY ADVS.SRI.REJI GEORGE
SRI.UMESH.N.PAI**

RESPONDENTS:-

- 1. THE SPECIAL TAHSILDAR (LA NO.1),
CIVIL STATION, KAKKANAD, PIN - 682 030.**
- 2. DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, PIN - 682 030.**
- 3. JOSE GEORGE,, AGED 71 YEARS
S/O.V.J.GEORGE, VATTAKATTUSERRY HOUSE
KOLLAMKUDIMUGHAL, KAKKANAD, PIN - 682 030.**

R1 & R2 BY GOVERNMENT PLEADER SRI. TOM K. THOMAS

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 35089 of 2014 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. A TRUE COPY OF THE SETTLEMENT DEED NO.6590/2004 OF S.R.O.,
ERNAKULAM DATED 08.11.2004 EXECUTED BY THE 1ST
PETITIONER IN FAVOUR OF THE 3RD PETITIONER.**

**EXHIBIT P2. A TRUE COPY OF THE ORDER PASSED BY THE HON'BLE COURT
IN R.C.R. NO.57/2013 DATED 02.08.2013.**

**EXHIBIT P3. A TRUE COPY OF THE REPRESENTED DATED 01.09.2014
SUBMITTED BY THE PETITIONERS BEFORE THE 1ST PETITIONER.**

**EXHIBIT P4. A TRUE COPY OF THE REPRESENTATION DATED 18.12.2014
SUBMITTED BY THE PETITIONERS BEFORE THE 1ST AND 2ND
RESPONDENTS.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 35089 OF 2014

Dated this the 19th day of January, 2015

JUDGMENT

The petitioners assert that the third respondent tenant had vacated the premises on 15.07.2014 itself pursuant to Ext. P2 order of eviction. The petitioners therefore contend that the entire compensation for land acquisition has to be disbursed to them exclusively under the agreement entered into between the parties. The first respondent is in seisin of the matter before whom Ext. P4 representation submitted by the petitioners is pending.

2. I direct the first respondent to consider Ext. P4 representation with notice to the petitioners as well as to the third respondent. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment. I however clarify that I have not expressed anything on the merits of the rival claim between the petitioners and the third respondent. The payment shall be effected only after orders are passed on Ext. P4 representation as directed above.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS