

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 35897 of 2015 (J)

PETITIONER(S):

1. **BABY, THOPPIL VEEDU, MULLUVILA CHERRY,
VADAKKEVILA VILLAGE, KOLLAM DISTRICT - 691 010.**
2. **SARASAMMA, THUNDAZHICATHU VEEDU,
MULLUVILA CHERRY, VADAKKEVILA VILLAGE,
KOLLAM DISTRICT - 691 010.**
3. **MANILAL, VASANTHALAYAM, THEKKEVILA,
KOLLAM - 691 010.**
4. **VIKRAMAN, IDAYILA VEEDU, MULLUVILA CHERRY,
VADAKKEVILA VILLAGE, KOLLAM DISTRICT - 691 010.**
5. **KRISHNANKUTTY, THODIYIL VEEDU (THUNDALIL),
MULLUVILA CHERRY, VADAKKEVILA VILLAGE,
KOLLAM DISTRICT - 691 010.**
6. **RAJENDRAN, CHIRAYIL PUTHEN VEEDU, PALATHARA,
MULLUVILA FROM NEDIYAZHICATHU VEEDU,
MULLUVILA CHERRY, VADAKKEVILA VILLAGE,
KOLLAM DISTRICT - 691 010.**
7. **KRISHNAKUMARI CHIRAYIL PUTHEN VEEDU,
PALATHRA, MULLUVILA FROM NEDIYAZHICATHU VEEDU,
MULLUVILA CHERRY, VADAKKEVILA VILLAGE,
KOLLAM DISTRICT - 691 010.**
8. **ANANDAN, VAZHATHU THONDALIL VEEDU,
MULLUVILA CHERRY, VADAKKEVILA VILLAGE,
KOLLAM DISTRICT - 691 010.**
9. **SUMATHI, VAZHATHU THONDALIL VEEDU,
MULLUVILA CHERRY, VADAKKEVILA VILLAGE,
KOLLAM DISTRICT - 691 010.**

BY ADV. SRI.T.K.AJAN

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RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
CIVIL STATION, KOLLAM - 691 013.
2. THE SPECIAL TAHSILDAR
LA(N.H), CIVIL STATION, KOLLAM - 691 013.

BY GOVERNMENT PLEADER SRI.R.RANJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. THE COPY OF THE AWARD PASSED BY THE ADDL. SUB COURT, KOLLAM THROUGH ITS JUDGMENT IN LAR NO.69/2001 DATED 15.09.2007.
- EXHIBIT P2. THE COPY OF THE APPLICATION DATED 01.12.2003 FILED BY 1ST PETITIONER AND OTHERS BEFORE THE 1ST RESPONDENT UNDER SECTION 28A OF THE LAND ACQUISITION ACT, 1894 ON 04.12.2007 NO.F 157/08.
- EXT. P2(A). THE COPY OF THE APPLICATION DATED 01.12.2007 FILED BY 2ND PETITIONER AND ANOTHER BEFORE THE 1ST RESPONDENT U/S 28A OF THE L.A. ACT, 1894 ON 04.12.2007 NO.C 158/08.
- EXT. P2(B). THE COPY OF THE APPLICATION DATED 30.11.2007 FILED BY 3RD PETITIONER AND 7 OTHERS BEFORE THE 1ST RESPONDENT U/S 28A OF THE L.A. ACT, 1894 ON 30.11.2007 NO.C 159/08.
- EXT. P2(C). THE COPY OF THE APPLICATION DATED 01.12.2007 FILED BY 4TH PETITIONER AND 7 OTHERS BEFORE THE 1ST RESPONDENT U/S 28A OF THE L.A. ACT, 1894 ON 04.12.2007 NO.C 150/08.
- EXT. P2(D). THE COPY OF THE APPLICATION DATED 01.12.2007 FILED BY 4TH PETITIONER AND 7 OTHERS BEFORE THE 1ST RESPONDENT U/S 28A OF THE L.A. ACT, 1894 ON 04.12.2007 NO.C 155/08.
- EXT. P2(E). THE COPY OF THE APPLICATION DATED 10.12.2007 FILED BY 5TH PETITIONER AND 2 OTHERS BEFORE THE 1ST RESPONDENT U/S 28A OF THE L.A. ACT, 1894 ON 10.12.2007 NO.C 154/08.
- EXT. P2(F). THE COPY OF THE APPLICATION DATED 01.12.2007 FILED BY THE 6TH AND 7TH PETITIONERS JOINTLY BEFORE THE 1ST RESPONDENT U/S 28A OF THE L.A. ACT, 1894 ON 04.12.2007 NO.C 156/08.
- EXT. P2(G). THE COPY OF THE APPLICATION DATED 01.12.2007 FILED BY 8TH AND 9TH PETITIONERS JOINTLY BEFORE THE 1ST RESPONDENT U/S 28A OF THE L.A. ACT, 1894 ON 04.12.2007 NO.C 160/08.
- EXHIBIT P3. THE COPY OF NOTICE ISSUED TO THE 1ST PETITIONER AND 7 OTHERS FOR THE ENQUIRY AND HEARING OF THE 28A APPLICATION NO.F 159108 DATED NIL.
- EXT.P3(A). THE COPY OF NOTICE ISSUED TO THE 2ND PETITIONER AND ANOTHER FOR THE ENQUIRY AND HEARING OF THE 28A APPLICATION NO.C 158/08 DATED 13.05.09.
- EXT. P3(B). THE COPY OF NOTICE ISSUED TO THE 3RD PETITIONER AND 7 OTHERS FOR THE ENQUIRY AND HEARING OF THE 28A APPLICATION NO.C 159/08 DATED 13.05.09.
- EXT. P3(C). THE COPY OF NOTICE ISSUED TO THE 4TH PETITIONER AND 7 OTHERS FOR THE ENQUIRY AND HEARING OF THE 28A APPLICATION NO.C 150/08 DATED 13.05.09.

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- EXT. P3(D). THE COPY OF NOTICE ISSUED TO THE 4TH PETITIONER AND 7 OTHERS FOR THE ENQUIRY AND HEARING OF THE 28A APPLICATION NO.C 155/08 DATED 13.05.09.
- EXT. P3(E). THE COPY OF NOTICE ISSUED TO THE 5TH PETITIONER AND 2 OTHERS FOR THE ENQUIRY AND HEARING OF THE 28A APPLICATION NO.C 154/08 DATED 13.05.09.
- EXT. P3(F). THE COPY OF NOTICE ISSUED TO THE 6TH AND 7TH PETITIONER JOINTLY FOR THE ENQUIRY AND HEARING OF THE 28A APPLICATION NO.C 156/08 DATED 13.05.09.
- EXT. P3(G). THE COPY OF NOTICE ISSUED TO THE 8TH AND 9TH PETITIONER JOINTLY FOR THE ENQUIRY AND HEARING OF THE 28A APPLICATION NO.C 160/08 DATED 13.05.09.
- EXHIBIT P4. THE COPY OF THE JUDGMENT IN LAA 204/2011 OF HIGH COURT OF KERALA DATED 26.03.2012.
- EXHIBIT P5. COPY OF ACKNOWLEDGEMENT OF THE RECEIPT OF THE CERTIFIED COPIES OF LAA 204/2011 IN 28A APPLICATION NO.F-157/08 BY THE 2ND RESPONDENT DATED 09.04.2012.
- EXT. P5(A). COPY OF ACKNOWLEDGEMENT OF THE RECEIPT OF THE CERTIFIED COPIES OF LAA 204/2011 IN 28A APPLICATION NO.C-158/08 BY THE 2ND RESPONDENT DATED 09.04.2012.
- EXT. P5(B). COPY OF ACKNOWLEDGEMENT OF THE RECEIPT OF THE CERTIFIED COPIES OF LAA 204/2011 IN 28A APPLICATION NO.C-159/08 BY THE 2ND RESPONDENT DATED 09.04.2012.
- EXT. P5(C). COPY OF ACKNOWLEDGEMENT OF THE RECEIPT OF THE CERTIFIED COPIES OF LAA 204/2011 IN 28A APPLICATION NO.C-150/08 BY THE 2ND RESPONDENT DATED 09.04.2012.
- EXT. P5(D). COPY OF ACKNOWLEDGEMENT OF THE RECEIPT OF THE CERTIFIED COPIES OF LAA 204/2011 IN 28A APPLICATION NO.C-155/08 BY THE 2ND RESPONDENT DATED 09.04.2012.
- EXT. P5(E). COPY OF ACKNOWLEDGEMENT OF THE RECEIPT OF THE CERTIFIED COPIES OF LAA 204/2011 IN 28A APPLICATION NO.C-154/08 BY THE 2ND RESPONDENT DATED 09.04.2012.
- EXT. P5(F). COPY OF ACKNOWLEDGEMENT OF THE RECEIPT OF THE CERTIFIED COPIES OF LAA 204/2011 IN 28A APPLICATION NO.C-156/08 BY THE 2ND RESPONDENT DATED 09.04.2012.
- EXT. P5(G). COPY OF ACKNOWLEDGEMENT OF THE RECEIPT OF THE CERTIFIED COPIES OF LAA 204/2011 IN 28A APPLICATION NO.C-160/08 BY THE 2ND RESPONDENT DATED 09.04.2012.
- EXHIBIT P6. COPY OF THE REMINDER SENT TO THE 2ND RESPONDENT BY THE PETITIONERS COUNSEL STATING THE URGENT NEED OF DISPOSAL OF THE 28A PETITIONS DATED 16.09.2015.

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- EXT. P6(A). COPY OF THE REMINDER SENT TO THE 2ND RESPONDENT BY THE PETITIONERS COUNSEL STATING THE URGENT NEED OF DISPOSAL OF THE 28A PETITIONS DATED 31.10.2015.
- EXT. P6(B). COPY OF THE ACKNOWLEDGEMENT OF REMINDER DATED 31.10.2015 SENT BY PETITIONERS COUNSEL TO 2ND RESPONDENT DATED NIL.
- EXHIBIT P7. COPY OF STATEMENT GIVEN TO 1ST PETITIONERS COUNSEL BY THE 2ND RESPONDENT DATED 23.05.2014 SHOWING PART PAYMENT OF DECREETAL AMOUNT OF THE APPEAL CASE LAA NO.204/2011.
- EXT. P7(A). COPY OF STATEMENT FILED BY THE 1ST PETITIONERS FOR THE BALANCE DECREETAL AMOUNT TO BE PAID BY 2ND RESPONDENT DATED 18.02.2015 IN E.P.NO.39/2014 OF ADDL. SUB COURT, KOLLAM.
- EXHIBIT P8- TRUE COPY OF THE ACKNOWLEDGEMENT OF THE SECOND RESPONDENT FOR THE PRODUCTION OF LEGAL HEIR SHIP CERTIFICATE ON 7.10.2009 IN APP.NO.C-159/08.
- EXT. P8(A)- TRUE COPY OF THE ACKNOWLEDGEMENT OF THE STAFF OF THE SECOND RESPONDENT FOR THE PRODUCTION OF LEGAL HEIR SHIP CERTIFICATE ON 25.11.2011 IN APP.NO.C-158/08.
- EXT. P8(B)- TRUE COPY OF THE ACKNOWLEDGEMENT OF THE SECOND RESPONDENT FOR THE PRODUCTION OF LEGAL HEIR SHIP CERTIFICATE ON 25.11.2011 IN APP.NO.C-158/08.
- EXT. P8(C)- TRUE COPY OF ORIGINAL HEIR SHIP CERTIFICATE SENT BY RG. POST ON 16.9.2015 FOR APP.NOS.C-150/08 & C-155/08.
- EXT. P8(D)- TRUE COPY OF ORIGINAL LEGAL HEIR SHIP CERTIFICATES SENT BY RG.POST ON 16.9.2015 FOR APP NO.C-154/08.
- EXT. P8(E)- TRUE COPY OF ONE AND SAME ORIGINAL CERTIFICATE SENT BY RG. POST ON 16.9.2015 FOR APP NO.F-157/08.
- EXT. P8(F)- TRUE COPY OF THE POSTAL RECEIPT OF REGISTERED COVERING LETTER DATED ON 16.9.2015.
- EXHIBIT P9- TRUE COPY OF ORDER DATED 18.6.1992, OF ADD SUB COURT.
- EXT. P9(A)- TRUE COPY OF THE PETITION FILED BY KUNJUPENNU RAJAMMA, THE ORIGINAL CLAIMANT IN THE BASIC CASE LAR NO.69.NO.69/2001 (PRECISELY NUMBERED AS LAR 124/91) BEFORE THE LEGAL SERVICE AUTHORITY KOLLAM DATED 31.3.2000.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.35897 of 2015

Dated this the 9th day of December 2015

JUDGMENT

Petitioners, who have filed applications under Section 28A(1) of the Land acquisition Act for enhanced compensation are aggrieved by the inaction on the part of the 2nd respondent, in not passing orders on the said applications, notwithstanding the fact that the petitioners have produced all the necessary materials before the 2nd respondent for processing the said applications and passing orders thereon.

2. I have heard the learned counsel for the petitioners and the learned Government Pleader for the respondents.

The learned Government Pleader would submit, on instructions, that along with the applications submitted by the petitioners, the documents necessary for processing the application were not enclosed. It is submitted however, that during the pendency of the writ petition, the documents have since been produced by the petitioners and at present, there is no hurdle in the way of the 2nd respondent considering and passing orders on the

said applications. Taking note of the submission of the learned Government Pleader on instructions, I dispose the writ petition with a direction to the 2nd respondent to consider and pass orders on Ext.P2 to P2(g) applications preferred by the petitioners under Section 28A (1) of Land acquisition Act, taking note of Ext.P4 judgment of this Court. The 2nd respondent shall pass orders, after hearing the petitioner, within a period of two months from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the writ petition, together with a copy of this judgment before the 2nd respondent for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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