IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF MARCH 2020 / 28TH PHALGUNA, 1941

WP(C).No.3315 OF 2020(L)

PETITIONERS:

1 K. KUTTAPPAN ACHARY, KALLUVIRATH HOUSE,
KRISHNANJALI, UDAYAGIRI,
THOTTAPPADY, MANNUTHY, PIN - 680 651.

2 G. SANTHAKUMARI, KALLUVIRATH HOUSE,
KRISHNANJALI, UDAYAGIRI,
THOTTAPPADY, MANNUTHY, PIN - 680 651.

BY ADV. SRI.GEORGE MECHERIL

RESPONDENTS:

1 THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
NEW DELHI - 110 001.

2 THE PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA (NHAI),
PALAKKAD - 679 001.

3 THE ARBITRATOR AND DISTRICT COLLECTOR,
THRISSUR - 680 001.

4 THE SPECIAL DEPUTY COLLECTOR,
SLAO AND CALA, NHDP,
THRISSUR - 680 001.

R1 BY ADV. SRI.P.VIJAYAKUMAR, ASG OF INDIA
R2 BY ADV. SRI.MATHEWS K.PHILIP
SRI.S GOPINATHAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.03.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 18th day of March 2020

The petitioners' land was acquired for the purpose of national highway. An award was passed as early as on 04.04.2013. The present claim of the petitioners is for solatium and interest in the light of the judgment of the Apex Court in **[(2019) 9 SCC. 304] Union of India and another v. Tarsem Singh and others.** Ext.P3 is the said request made by the petitioners.

2. The petitioners could not have claimed solatium and interest as law applicable at the time of passing the award does not recognize such claim. The claim, first time has been recognized only by the declaration of law in Tarsem Singh's case (supra).

3. In the light of the above, Ext.P3 request of the petitioners shall be considered by the competent authority

within a period of three months, after notice to the petitioners.

The writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE
JUDGE

akv/ 18.3.2020

APPENDIX OF WP(C) 3315/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE L.A.C. NO.111/2009 PASSED BY THE 4TH RESPONDENT**
EXHIBIT P2	**TRUE COPY OF THE AWARD NO.201/2013 IN LAC NO.111/2009 DATED 4/4/2013**
EXHIBIT P3	**TRUE COPY OF THE PETITION FILED BEFORE THE DISTRICT COLLECTOR AND THE ARBITRATOR ON 7/10/2019**
EXHIBIT P4	**TRUE COPY OF THE COMMUNICATION DATED 10-12-2019 OF THE SPECIAL DEPUTY COLLECTOR**

RESPONDENT'S/S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE