

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 22ND DAY OF JANUARY 2024 / 2ND MAGHA, 1945

WP(C) NO. 32636 OF 2014

PETITIONER:

DAVID V.J @ SASIKUMAR, AGED 60 YEARS
S/O JOHN, VAZHIYODIYIL HOUSE, GREEN GARDENS,
PLOT NO 44, KOTTAPPURAM ROAD, POONKUNNAM P.O,
THRISSUR VILLAGE, THRISSUR TALUK, THRISSUR
DISTRICT
BY ADV B.PREMOD

RESPONDENTS:

- 1 SECRETARY, MINISTRY OF RAILWAYS
RAILWAY BHAVAN, NEW DELHI 110001
- 2 THE DIVISIONAL MANAGER, SOUTHERN RAILWAY,
TSHYCAUD, THIRUVANANTHAPURAM 695014
- 3 THE GENERAL MANAGER, MINISTRY OF RAILWAYS,
ZONAL OFFICE, CHENNAI 600001
- 4 THE DISTRICT COLLECTOR, KOTTAYAM, CIVIL LINES
BUILDINGS, KOTTAYAM, KOTTAYAM P.O, 686001
- 5 THE SECRETARY
MINISTRY OF RAILWAYS, GOVERNMENT OF KERALA,
SECRETARIATE, THIRUVANANTHAPURAM, 695001
- 6 THE SPECIAL TAHSILDAR LA., RAILWAY DUBLING,
BAKER JUNCTION, KOTTAYAM P.O, 686004
BY ADVS.
SRI.JAMES KURIAN, SENIOR PANEL, RAILWAYS
SMT.G.MAHESWARY
SRI.B S SYAMANTAK, GP
SRI.JAMES KURIAN, SC, RAILWAYS
SRI.A.DINESH RAO, SC, RAILWAYS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22.01.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P. V. KUNHIKRISHNAN, J.

W.P(C).No.32636 of 2014

Dated this the 22nd day of January, 2024

JUDGMENT

The above Writ Petition is filed with the following prayers:

i. To issue a Writ of mandamus or any order or direction, directing the 6th respondent to pay the land value of the land taken from the possession of the petitioner as per proceedings in L.A.C. R-1/2014 on the file of the Special Tahsildar (L.A.) Railway Doubling, Kottayam along with subsequent interest and other statutory benefits provided in the Land Acquisition Act;

OR

In the alternative order the 6th respondent to proceed under the Amended Land Acquisition Act 1894 as amended by Amending Act 1.1.2014 along with granting all the statutory benefits and interest.

ii. Pass such other orders, reliefs as may be deemed fit and proper for directing the respondents for the redressal of the grievances of the petitioner which will be prayed by the petitioner during the pendency of the above Writ Petition.

[SIC]

2. The main prayer in this Writ Petition is to issue direction to the respondents to pay land value of the land taken from the possession of the petitioner as per proceedings in L.A.C. R-1/2014 on the file of the Special Tahsildar (L.A.) Railway Doubling, Kottayam or in the alternative order the 6th respondent to proceed under the Amended Land Acquisition Act 1894 as amended by Amending Act 1.1.2014.

3. When this Writ Petition came up for consideration on 04.01.2024, this Court directed the Government Pleader to produce the copy of the award of the Land acquisition proceedings. The award no.04/2023 dated 22.03.2023 and award no.03/2023 dated 22.03.2023 are produced. From the award no.04/2023, it is clear that, 0.0053 Hectares of land in Block No.33 in Resurvey No. 278/14-1 situated in the village of Manjoor in the Taluk of Vaikom in the District of Kottayam is acquired. As per award no.03/2023 dated 22.03.2023, it is clear that, 0.0131 Hectares in Block No.33 in Resurvey No.275/6-1 situated in the village of Manjoor in the Taluk of Vaikom in the District of Kottaym is acquired. The petitioner has got a case that the petitioner produced documents for acquisition to an extent of 29.250 cents. The petitioner has got some other grievance

against the award.

4. If that is the case, the petitioner has to agitate the same separately. In this Writ Petition, this Court cannot pass any order in the light of the award already passed.

All other contentions of the petitioner are left open and the Writ Petition is closed.

Sd/-

P. V. KUNHIKRISHNAN
JUDGE

Sbna/

APPENDIX OF WP(C) 32636/2014

PETITIONER EXHIBITS

EXHIBIT P1 TRUE PHOTOCOPY OF THE SALE DEED NO 403/1980
S.R.O KADATHURUTHY IN THE FAVOUR OF THE PETITIONER

EXHIBIT P2 TRUE PHOTOCOPY OF THE TAX PAID RECEIPT DATED 25-
01-2010 FROM VILLAGE OFFICE, MANJOUR

EXHIBIT P3 TRUE PHOTOCOPY OF THE4 NOTICE UNDER SECTION 4(1)
OF THE LAND ACQUISITION ACT ISSUED TO THE PETITIONER DATED
06-01-2010 BY THE 6TH RESPONDENT

EXHIBIT P4 TRUE PHOTOCOPY OF THE NOTICE DATED 25-11-2011
ISSUED BY TRHE 6TH RESPONDENT

EXHIBIT P5 TRUE PHOTOCOPY OF THE RECEIPT DATED 15-12-2011
ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER
ACKNOWLEDGING THE RECEIPT OF DOCUMENTS

EXHIBIT P6 TRUE COPY OF THE UNDATED CONSENT LETTER SIGNED
BY THE PETITIONER TO THE 6TH RESPONDENT

EXHIBIT P7 TRUE COPY OF THE SECTION 4(1) NOTIFICATION OF
THE LAND ACQUISITION ACT DATED 05-06-2-2013 ISSUED BY THE
6TH RESPONDENT

EXHIBIT P8 TRUE COPY OF THE LETTER DATED 23-04-2014 SENT BY
THE PETITIONER TO THE 4TH RESPONDENT

EXHIBIT P9 TRUE COPY OF THE LETTER DATED 27-05-2014 ISSUED
BY THE 6TH RESPONDENT

EXHIBIT P10 TRUE COPY OF THE LAWYER NOTICE DATED 02-07-2014
ISSUED BY THE ADVOCATE P.T. SEBASTIAN, TO THE 6TH
RESPONDENT WITH COPY TO THE OTHER RESPONDENTS

EXHIBIT P1 (SERIES NO 6 NOS) TRUE COPY OF THE
ACKNOWLEDGEMENT CARD FOR THE EXT P10 NOTICE DATED 02-07-
2014 SIGNED BY IST RESPONDENT

EXHIBIT P119A) TRUE OF ACKNOWLEDGEMENT CARD FOR THE EXT P10
NOTICE DATED 02-07-2014 SIGNED ON 07-07-2014 BY THE 2ND
RESPONDENT

EXHIBIT P11(B) TRUE OF ACKNOWLEDGEMENT CARD FOR THE EXT P10
NOTICE DATED 02-07-2014 SEALED FROM 3RD RESPONDENT'S OFFICE

EXHIBIT P11(C) TRUE OF ACKNOWLEDGEMENT CARD FOR THE EXT P10
NOTICE DATED 02-07-2014 SIGNED ON 08-07-2014 BY THE 4TH
RESPONDENT

EXHIBIT P11(D) TRUE COPY OF THE ACKNOWLEDGEMENT CARD FOR
THE EXT P10 NOTICE DATED 02-07-2014 SIGNED ON 07-07-2014 BY
THE 5TH RESPONDENT

EXHIBIT P11(E) TRUE OF ACKNOWLEDGEMENT CARD FOR THE EXT P10
NOTICE DATED 02-07-2014 SIGNED ON 07-07-2014 BY THE 6TH
RESPONDENT