2025:KER:31190

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 13283 OF 2025

PETITIONER:

ARIF K
AGED 63 YEARS
S/O KOYAKUNJU, KANNATTU VEEDU,
ORUMANAYUR, THRISSUR, PIN – 680 512

BY ADVS.
P.SATHISAN
SHIBU B.S
BIJU P.PAUL
AKSHARA RAJU
SWALIHA SELMI T.R.
RAHUL MANNALI

RESPONDENTS:

1 **UNION OF INDIA**
REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA,
CENTRAL DELHI P.O., NEW DELHI., PIN – 110 001

2 **DIRECTOR GENERAL**
ROOM NO.213, MINISTRY OF ROAD TRANSPORT & HIGHWAYS,
TRANSPORT BHAVAN, 1, PARLIAMENT STREET,
CENTRAL DELHI P.O., NEW DELHI, PIN – 110 001

3 **PROJECT DIRECTOR**
NATIONAL HIGHWAYS AUTHORITY OF INDIA (HEAD OFFICE),
DWARAKA SECTOR 10, SOUTH WEST DELHI P.O.,
NEW DELHI., PIN – 110 075

4 **CHAIRMAN**
NHAI, G-5 & 6, SECTOR-10, DWARAKA,
SOUTH WEST DELHI P.O., NEW DELHI., PIN – 110 075

5 THE PROJECT DIRECTOR
NHAI, COCHIN 1, VII/511 B, NEITHELI -MAVELIPURAM ROAD, MAVELIPURAM, KAKKANAD, KERALA, PIN - 682030

6 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, PUBLIC WORKS DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM P.O., PIN - 695001

7 SPECIAL DEPUTY COLLECTOR
LAND ACQUISITION, NH17, KODUNGALLUR P.O, THRISSUR, KERALA, PIN - 680669

8 DISTRICT COLLECTOR
THRISSUR, CIVIL STATION, CIVIL LINES RD, KALYAN NAGAR, AYYANTHOLE, THRISSUR, KERALA, PIN - 680003

9 THE ASSISTANT EXECUTIVE ENGINEER
PWD (ROADS), PWD (ROADS DIVISION), CHEMBUKKAV, THRISSUR, KERALA, PIN - 680008

BY ADV C.DINESH

SMT. DEEPA NARAYANAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:31190

T.R.RAVI.J

WP(C) Nos.13283 of 2025

Dated this the 10th day of April, 2025

JUDGMENT

The main prayer in the writ petition is for granting compensation for the entire structure even though a portion alone been acquired. The issue is covered by the judgments of this Court in WPC.No.14715 of 2024 and WA Nos.718 of 2024 and connected cases.

In the above circumstances, this writ petition is closed with liberty to the petitioner to move the arbitrator for appropriate relief as has been directed in the above said judgments. The petitioner will be entitled to move an application under Section 17 of the Arbitration and Conciliation Act in this case if required.

Sd/-

T.R.RAVI

JUDGE

sn

APPENDIX OF WP(C) 13283/2025

PETITIONER'S EXHIBITS

Exhibit P1	**TRUE COPY OF THE LAND TAX RECEIPT NO.KL08040603549/2023 DATED 21.08.2023 ISSUED BY ORUMANAYOOR VILLAGE IN FAVOUR OF THE PETITIONER**
Exhibit P2	**TRUE COPY OF SECTION 3G AWARD NO.3/2021-LA2/ORU/012886/2022 DATED 19.04.2022 ISSUED BY 7TH RESPONDENT TO THE PETITIONER**
Exhibit P2(a)	**TRUE COPY OF ANOTHER SECTION 3G AWARD NO.3/2021-LA2/ORU/012882/2022 DATED 19.04.2022 ISSUED BY 7TH RESPONDENT TO THE PETITIONER**
Exhibit P3	**TRUE COPY OF THE DISPOSSESSION NOTICE NO.LA2/ORU/012882/2022 DATED 19.04.2022**
Exhibit P3(a)	**TRUE COPY OF DISPOSSESSION NOTICE NO.LA2/ORU/012886/2022 DATED 19.04.2022**
Exhibit P4	**TRUE COPY OF THE GOVERNMENT NOTIFICATION DATED 28.08.2015**
Exhibit P5	**TRUE COPY OF THE STRUCTURAL PLAN SHOWING THE PROPOSED LINE OF ACQUISITION AND LINE OF IMPACT**
Exhibit P6	**TRUE COPY OF THE STRUCTURAL CERTIFICATE DATED 25.03.2025 ISSUED BY QUALIFIED CHARTERED ENGINEER ABOUT THE STRUCTURE**
Exhibit P7	**TRUE COPY OF PHOTOGRAPHS OF THE CRACKS DEVELOPED IN THE RESIDENTIAL BUILDING OF THE PETITIONER**
Exhibit P8	**TRUE COPY OF PHOTOGRAPH OF THE KITCHEN OF THE PETITIONER, WHERE THE WHOLE FAMILY NOW ACCOMMODATES THEMSELVES INCLUDING THE DIFFERENTLY ABLED CHILD**
Exhibit P9	**TRUE COPY OF LATEST APPLICATION DATED 27.02.2025 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR; THRISSUR**
Exhibit P9(a)	**TRUE COPY OF RECEIPT NO.29/25 OF EXHIBIT P7 APPLICATION DATED 27.02.2025**