IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY ,THE 20TH DAY OF DECEMBER 2018 / 29TH AGRAHAYANA, 1940

WP(C).No. 41816 of 2018

PETITIONER/S:

1 BALAN A.,
AGED 52 YEARS
S/O VELUTHAMBU,NIKHILA BAKERY,ONAKKUNNU KARIVELLUR
P.O.KANNUR DIST 670 521 (BUILDING NO KPP X-514)

2 MUKUNDAN ADIYODI K,
AGED 62 YEARS
S/O GOVINDAN NAMBIAR,M K STORES,ONAKKUNNU KARIVELLUR
P.O.KANNUR DIST 670 521 (BUILDING NO KPP X-466)

3 C.V.KUNHIRAMAN,
AGED 78 YEARS
S/O AMBADIKUNHI,RAM METALS,ONAKKUNNU KARIVELLUR
POST,.KANNUR DIST 670 521 (BUILDING NO KPP- X-470)

4 SAJEEVAN E,
AGED 40 YEARS
S/O K.K.KRISHNAN,RAMAS TEXTILES,ONAKKUNNU KARIVELLUR
P.O.KANNUR DIST 670 521 (BUILDING NO KPP- X-464)

5 KOLIYADAN KANNAN,
AGED 65 YEARS
S/O C.KELU,PULARI TRADERS,ONAKKUNNU KARIVELLUR
P.O.KANNUR DIST 670 521 (BUILDING NO KPP- X-441)

6 CHANDRAN KANIYAM PARAMBATH,
AGED 45 YEARS
S/O N.P.GOVINDAN,FARM FRESH CHICKEN STALL,ONAKKUNNU
KARIVELLUR P.O.KANNUR DIST 670 521 (BUILDING NO KPP-
X-471)

7 SHANITH K.V.,
AGED 30 YEARS
S/O K.V.KRISHNAN,STAR BUILDERS,ONAAKKUNNU,ONAKKUNNU
KARIVELLUR P.O.KANNUR DIST 670 521 (BUILDING NO KPP-
X-468)

8 SUNIL K,
AGED 26 YEARS
S/O K.L.LAXMANAN,SWEET SALES,ONAKKUNNU KARIVELLUR
P.O.KANNUR DIST 670 521 (BUILDING NO KPP- X-472)

9 VYASAN.C,
AGED 45 YEARS
S/O RAGHAVAN,ASTROLOGER (BUILDING NO KPPP-X-ONAKKUNNU,KARIVELLUR (PO),KANNUR DIST 670 521.

10 K.P.RAVINDRAN,
AGED 62 YEARS
S/O K.RAMAN,K.P.TRADERS,ONAKKUNNU KARIVELLUR P.O.KANNUR DIST 670 521 (BUILDING NO KPP- X-438)

11 RADHA K,
AGED 54 YEARS
W/O RAMAKRISHNAN,KANMANI ENTERPRICES,ONAKKUNNU KARIVELLUR P.O.KANNUR DIST 670 521 (BUILDING NO KPP- XI-314)

12 BEENA.M.V.
AGED 39 YEARS
W/O PADMANABHAN,PRAYAGA MEDICALS,ONAKKUNNU KARIVELLUR P.O.KANNUR DIST 670 521 (BUILDING NO KPP- XI-314)

13 RADHA M,
AGED 53 YEARS
W/O RAMAN M,FISH TRADING (BUILDING NO KPP-X1-314) ONAKKUNNU,KARIVELLUR(PO),KANNUR DIST 670 521.

14 BABU K,
AGED 38 YEARS
S/O K.KUMARAN,FISH TRADING (BUILDING NO KPP-X1-315)ONAKKUNNU,KARIVELLUR (PO),KANNUR DIST 670 521

15 GOWRI K,
AGED 49 YEARS
W/O SASI P,PRATHIYATH COMMUNICATIONS,ONAKKUNNU KARIVELLUR P.O.KANNUR DIST 670 521 (BUILDING NO KPP- XIV-504)

BY ADVS.
SRI.MAHESH V RAMAKRISHNAN
SRI.K.PRAMOD

RESPONDENT/S:

1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,REVENUE DEPARTMENT,SECRETARIAT,THIRUVANANTHAPURAM 695 001.

2 DISTRICT COLLECTOR,
COLLECTORATE,CIVIL STATION,KANNUR 670001.

3 SPECIAL THAHSIDAR (LA),
N.H.A.I.UNIT-1,TALIPARAMBA,KANNUR DIST 670 141

4 SPECIAL DEPUTY COLLECTOR,
LA(NH) TALIPARAMBA,KANNUR DIST 670001.

5 PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA,(MINISTRY OF ROAD TRANSPORT AND HIGHWAYS),PROJECT IMPLEMENTATION UNIT,NO 2/2175-B,KRISHNA KRIPA,AISWARYA ROAD, CIVIL STATION (PO),KOZHIKODE 673 020

OTHER PRESENT:
SRI.SAIGI JACOB PALATTY, SR.GOVT.PLEADER FOR R1 TO R4,
M.V.KINI, SC, NHAI FOR R5

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20.12.2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

W.P(C).No.41816 Of 2018

Dated this the 20th day of December, 2018.

J U D G M E N T

The prayers in the above Writ Petition (Civil) are as follows:

> *"(i) To issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to pay Rs.2,00,000/- each as compensation to the petitioners as per Ext.P1 Rehabilitation and Resettlement Package, before the petitioners are physically evicted from their respective shop rooms and within a time frame as may be ordered by this Hon'ble Court;*
> *(ii) to declare that the petitioners are entitled for payment of compensation under Ext.P1 Rehabilitation and Resettlement Package before the petitioners are physically evicted from their respective premises;*
> *(iii) For all the cost of the Writ Petition."*

2. Heard Sri.Mahesh V.Ramakrishnan, learned counsel for the petitioners, Sri.Saigi Jacob Palatty, learned Senior Government Pleader appearing for respondents 1 to 4 and Sri.E.C.Kuriakose, learned Standing Counsel for NHAI appearing for the 5th respondent.

3. Having regard to the facts and circumstances disclosed in this petition, it is ordered that it is for the petitioners to file

claim petitions before the 4th respondent-competent authority in respect of their claims under Ext.P-1 scheme stipulated in Ext.P-1 Government Order with supporting materials and with notice to the 5th respondent. If such claim petitions are filed by the petitioners without much delay and with notice to the 5th respondent-Project Director, NHAI, then the 4th respondent-competent authority will grant a reasonable opportunity of being heard to the petitioners and the 5th respondent and then will pass orders in respect of the claims made by the petitioners under Ext.P-1 scheme without much delay. Orders in the claim petition should be passed within 2 months from the date of submission of the claim petition along with a certified copy of this judgment. The contention of petitioners 1 to 5 that they are already found eligible as per Ext.P-4 by the respondent-competent authority should also be duly taken note of by the respondents concerned. If case of petitioners

1 to 5 does not require detailed consideration in view of Ext.P-4, then their requests should be expedited.

With these observations and directions, the above Writ Petition (Civil) will stand finally disposed of.

Sd/-

ALEXANDER THOMAS,

JUDGE.

Bkn/-

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE GO(MS) NO 448/2017/RD DATED 29.12.2017 ISSUED BY THE 1ST RESPONDENT**
EXHIBIT P2	**TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS TO THE EXECUTIVE ENGINEER PWD (NATIONAL HIGHWAY SECTION) KANUUR AS EARLY AS ON 14.2.2017**
EXHIBIT P3	**TRUE COPY OF THE REPLY DATED 16.2.2017 ISSUED BY THE EXECUTIVE ENGINEER PWD (NATIONAL HIGHWAY SECTION) KANNUR**
EXHIBIT P4	**TRUE COPY OF THE LETTER DATED 28.3.2018 ISSUED BY THE 4TH RESPONDENT TO THE 1ST PETITIONER**
EXHIBIT P5	**TRUE COPY OF THE LETTER DATED 29.9.2017 ISSUED BY THE 2ND RESPONDENT TO THE MERCHANTS ASSOCIATION ONAKKUNNU**
EXHIBIT P6	**TRUE COPY OF THE LETTER DATED 28.9.2017 ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER**
EXHIBIT P7	**TRUE COPY OF THE LETTER DATED NIL/11/2017 ISSUED BY THE 4TH RESPONDENT TO THE MERCHANTS ASSOCIATION ONAKKUNNU.**