

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

TUESDAY, THE 19TH DAY OF JULY 2022 / 28TH ASHADHA, 1944

WP(C) NO. 20307 OF 2022

PETITIONERS:

1 DR.T.K.BALACHANDRAN,
AGED 82 YEARS
S/O. T K KUNJUPILLAI, 'VIJAYA',
DANAPPADY, HARIPPAD .P.O, ALAPPUZHA-690514.

2 JAYASREE. B.,
AGED 73 YEARS,
W/O. DR T K BALACHANDRAN,
'VIJAYA', DANAPPADY, HARIPPAD .P.O,
ALAPPUZHA-690514.

BY ADVS.
P.SATHISAN
DONA AUGUSTINE

RESPONDENTS:

1 UNION OF INDIA,
REP. BY SECRETARY,
MINISTRY OF ROAD TRANSPORT & HIGHWAYS,
GOVERNMENT OF INDIA, CENTRAL DELHI P.O.,
NEW DELHI-110001.

2 DIRECTOR GENERAL (ROAD DEVELOPMENT)
& SPECIAL SECRETARY, ROOM NO.213,
MINISTRY OF ROAD TRANSPORT & HIGHWAYS, TRANSPORT
BHAVAN, 1, PARLIAMENT STREET,
CENTRAL DELHI P.O., NEW DELHI-110001.

3 PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA (HEAD OFFICE),
DWARAKA SECTOR 10,
SOUTH WEST DELHI P.O.,
NEW DELHI-110075.

- 4 CHAIRMAN,
NHAI, G-5 & 6, SECTOR-10, DWARAKA,
SOUTH WEST DELHI P.O., NEW DELHI-110075.
- 5 THE PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
PROJECT IMPLEMENTATION UNIT- KOCHI,
VII/511 B, NEITHELI -MAVELIPURAM ROAD,
MAVELIPURAM, KAKKANAD, KERALA 682030.
- 6 STATE OF KERALA,
REP. BY ITS SECRETARY,
PUBLIC WORKS DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM P.O., PIN - 695 001.
- 7 SPECIAL DEPUTY COLLECTOR AND COMPETENT AUTHORITY,
LAND ACQUISITION, NHAI, COLLECTORATE,
ALAPPUZHA COLLECTORATE P.O., PIN-688001.
- 8 DISTRICT COLLECTOR, ALAPPUZHA,
COLLECTORATE, BESIDE ZILLA PACHAYATH OFFICE,
CIVIL STATION WARD, ALAPPUZHA COLLECTORATE P.O.,
KERALA 688001.
- 9 ASST. EXECUTIVE ENGINEER, PWD,
COLLECTORATE BUILDING,
ALAPPUZHA COLLECTORATE P.O., ALAPPUZHA-688001.

BY ADV SHRI.MATHEWS K.PHILIP, SC, NHAI

SMT. DEEPA.V, GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R. RAVI, J.

W. P. (C). No. 20307 of 2022

Dated this the 19th day of July, 2022

JUDGMENT

When the case is taken up today, the standing counsel for the NHAI and the Government Pleader submit that the awards that have been passed do not appear to show the value fixed for the structures and hence a supplementary award will be issued for that purpose.

The above submission is recorded and the writ petition is closed directing the respondents to issue supplementary awards and issue copies of the awards and the supplementary awards to the petitioners to facilitate them to challenge the same, if they are aggrieved. Necessary orders shall be issued within one month from today. Further steps for taking the possession and demolition of the structures shall be in accordance with the provisions of the NHAI Act.

Sd/-

**T.R. RAVI
JUDGE**

Pn

APPENDIX OF WP(C) 20307/2022

PETITIONERS' EXHIBITS

Exhibit P1	TRUE COPY OF THE SECTION 3A NOTIFICATION DATED 11.02.2019 PUBLISHED IN GAZETTE OF INDIA.
Exhibit P2	TRUE COPY OF THE PHOTOGRAPH SHOWING THE NATURE OF PETITIONERS' PROPERTY.
Exhibit P2 (A)	TRUE COPY OF THE PROPERTY TAX RECEIPT NOS. 01/121010105910 AND 01/121010105911 DATED 29.11.2021 ISSUED FROM HARIPAD MUNICIPALITY.
Exhibit P2 (B)	TRUE COPY OF THE LAND TAX RECEIPT NO.KL04040504879/2021 DATED 19.09.2021 ISSUED FROM HARIPAD VILLAGE.
Exhibit P2 (C)	TRUE COPY OF THE POSSESSION CERTIFICATE NO.6241118 DATED 14.12.2021.
Exhibit P3	TRUE COPY OF THE PLAN OF RESIDENTIAL AND COMMERCIAL BUILDING OF PETITIONERS.
Exhibit P4	TRUE COPY OF VALUATION STATEMENT PROVIDED TO THE PETITIONERS BY THE OFFICE OF 7TH RESPONDENT.
Exhibit P5	TRUE COPY OF VALUATION REPORT DATED 30.11.2021.
Exhibit P6	TRUE COPY OF THE EXTRACT OF DETAILED VALUATION STATEMENT OBTAINED UNDER RTI AS PER REQUEST OF 1ST PETITIONER ALONG WITH REPLY DATED 11.01.2022.
Exhibit P7	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 8TH RESPONDENT DATED 02.06.2022.