

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 6TH DAY OF SEPTEMBER 2016/15TH BHADRA, 1938

WP(C).No. 29706 of 2016 (K)

PETITIONER(S) :

1. MAHADEVAN PILLAI A.,  
AGED 68 YEARS, S/O. AYYAPPAN PILLAI,  
PARAKKAL VEEDU, PUTHOOR P.O.,  
KOTTARAKKARA, KOLLAM - 691 507.
2. SOMAN,  
INDHU NIVAS, MYLAMKULAM, PUTHOOR P.O.,  
KOTTARAKKARA, KOLLAM - 691 507.
3. SIVAJI J.,  
POWER OF ATTORNEY HOLDER OF JANARDHANAN,  
SUBHADRALAYAM, MYLAMKULAM, PUTHOOR P.O.,  
KOTTARAKKARA, KOLLAM - 691 507.
4. AMMUKUTTY,  
JOLLY BHAVAN, MYLAMKULAM, PUTHOOR P.O.,  
KOTTARAKKARA, KOLLAM - 691 507.
5. THANKAPPAN PILLAI G.,  
MARUTHOORAZHIKATHU VEEDU, THEVALAPPURAM,  
VENDAR P.O., KOTTARAKKARA, KOLLAM.
6. JANAKI PILLAI,  
W/O. KUTTANPILLAI, NEDIYILAZHIKATHU VEEDU,  
THEVALAPPURAM EAST, VENDAR P.O.,  
KOTTARAKKARA, KOLLAM - 691 507.
7. SREEDEVIAAMMA,  
W/O. SASIDHARAN PILLAI, ABHILASH BHAVAN,  
VENDAR P.O., KOTTARAKKAA, KOLLAM - 691 507.
8. SARASWATHI AMMA,  
MALADTUVEEDU, THEVALAPPURAM EAST,  
VENDAR P.O., KOTTARAKKARA, KOLLAM - 691 507.
9. RAMAN PILLAI,  
NELLIVILAVEEDU, THEVALAPPURAM EAST,  
VENDAR P.O., KOTTARAKKARA, KOLLAM - 691 507.

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10. SARASWATHIAMMA,  
POWER OF ATTORNEY HOLDER AND D/O. LATE DEVAKIAMMA,  
PUTHENMELATHIL PADINJATTATHIL, PUNUKKANNOOR,  
PERUMPUZHA P.O., KOLLAM.
11. KUTTAN PILLAI N.,  
S/O. NARAYANA PILLAI, PULIVILAVEEDU,  
THEVALAPPURAM EAST, VENDAR P.O.,  
KOTTARAKKARA, KOLLAM 691 507.
12. BHASURAN P.,  
PRIYA BHAVANAM, THEVALAPPURAM EAST,  
VENDAR P.O., KOTTARAKKARA, KOLLAM - 691 507.
13. SIVAN PILLAI,  
KOMALATHA VEEDU, VENDAR P.O.,  
KOTTARAKKARA, KOLLAM - 691 507.
14. DEVAKI AMMA,  
NELLIVILAVEEDU, THEVALAPPURAM EAST,  
VENDAR P.O., KOTTARAKKARA, KOLLAM - 691 507.
15. SUJATHA,  
POWER OF ATTORNEY HOLDER AND D/O. LATE RAGHAVAN PILLAI,  
MADATHILAZHIKATHU VEEDU, THEVALAPPURAM EAST,  
VENDAR P.O., KOTTARAKKARA, KOLLAM - 691 507.
16. GEETHA KUMAR B.,  
POWER OF ATTORNEY HOLDER AND  
D/O. LATE BHARGAVI AMMA,  
THEKKE PARA AYNIKULANGARAVEEDU,  
MADADI P.O., KULAKKADA, KOTTARAKKARA, KOLLAM.
17. BHAVANI AMMA,  
W/O. LATE KUTTAN PILLAI, NELLIVILAVEEDU,  
THEVALAPPURAM EAST, VENDAR P.O.,  
KOTTARAKKARA, KOLLAM - 691 507.
18. DAMODARAN POTTY,  
SREE BHAVANAM, THEVALAPPURAM EAST,  
VENDAR P.O., KOTTARAKKARA, KOLLAM.
19. NARAYANAN POTTY,  
KARAIKKOTTU PUTHEN MADAM,  
THEVALAPPURAM EAST,VENDAR P.O., KOTTARAKKARA,  
KOLLAM.

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20. **SASIKUMAR,  
POWER OF ATTORNEY HOLDER AND  
S/O. LATE BHARGAVI AMMA,  
PALAVILA PUTHEN VEEDU,  
THEVALAPPURAM EAST, VENDAR P.O.,  
KOTTARAKKARA, KOLLAM.**
21. **RESHMA R. PILLAI,  
POWER OF ATTORNEY HOLDER AND  
D/O. RAGHAVANPILLAI, VASANTHA VIHAR,  
THEVALAPPURAM EAST, VENDAR P.O.,  
KOTTARAKKARA, KOLLAM.**

**BY ADVS.SRI.NOBEL RAJU  
SRI.C.R.JAYAKUMAR**

**RESPONDENT(S) :**  
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1. **THE DISTRICT COLLECTOR KOLLAM,  
CIVIL STATION, KOLLAM - 691 013.**
2. **THE SPECIAL TAHASILDAR,  
LAND ACQUISITION NO.II, KALLADA IRRIGATION PROJECT,  
MINI CIVIL STATION, KUNDARA, KOLLAM - 691 501.**

**BY GOVERNMENT PLEADER SMT. K.R.DEEPA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 06-09-2016, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' EXHIBITS :**

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| <b>P1</b>     | <b>A TRUE COPY OF THE JUDGMENT IN LAR 3/2012 OF THE SUBORDINATE JUDGE, KOTTARAKKARA DATED 29.11.2014.</b>            |
| <b>P2(A)</b>  | <b>A TRUE COPY OF THE APPLICATION DATED 20.03.2015 UNDER SEC. 28(A) BY THE 1ST PETITIONER TO THE 1ST RESPONDENT.</b> |
| <b>P2(A1)</b> | <b>A TRUE COPY OF THE APPLICATION DATED 27.03.2015 UNDER SEC.28(A) BY THE 1ST PETITIONER TO THE 1ST RESPONDENT.</b>  |
| <b>P2(B)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 2ND PETITIONER TO THE 1ST RESPONDENT.</b>                  |
| <b>P2(C)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 3RD PETITIONER TO THE 1ST RESPONDENT.</b>                  |
| <b>P2(D)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 4TH PETITIONER TO THE 1ST RESPONDENT.</b>                  |
| <b>P2(E)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 5TH PETITIONER TO THE 1ST RESPONDENT.</b>                  |
| <b>P2(F)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 6TH PETITIONER TO THE 1ST RESPONDENT.</b>                  |
| <b>P2(G)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 7TH PETITIONER TO THE 1ST RESPONDENT.</b>                  |
| <b>P2(H)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 8TH PETITIONER TO THE 1ST RESPONDENT.</b>                  |
| <b>P2(I)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 9TH PETITIONER TO THE 1ST RESPONDENT.</b>                  |
| <b>P2(J)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 10TH PETITIONER TO THE 1ST RESPONDENT.</b>                 |
| <b>P2(K)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 11TH PETITIONER TO THE 1ST RESPONDENT.</b>                 |
| <b>P2(L)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 12TH PETITIONER TO THE 1ST RESPONDENT.</b>                 |
| <b>P2(M)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 13TH PETITIONER TO THE 1ST RESPONDENT.</b>                 |
| <b>P2(N)</b>  | <b>A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY THE 14TH PETITIONER TO THE 1ST RESPONDENT.</b>                 |

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- P2(O)        A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY  
                 THE 15TH PETITIONER TO THE 1ST RESPONDENT.
- P2(P)        A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY  
                 THE 16TH PETITIONER TO THE 1ST RESPONDENT.
- P2(Q)        A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY  
                 THE 17TH PETITIONER TO THE 1ST RESPONDENT.
- P2(R)        A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY  
                 THE 18TH PETITIONER TO THE 1ST RESPONDENT.
- P2(S)        A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY  
                 THE 19TH PETITIONER TO THE 1ST RESPONDENT.
- P2(T)        A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY  
                 THE 20TH PETITIONER TO THE 1ST RESPONDENT.
- P2(U)        A TRUE COPY OF THE APPLICATION UNDER SEC. 28(A) BY  
                 THE 21ST PETITIONER TO THE 1ST RESPONDENT.
- P3            A TRUE COPY OF THE COMMON JUDGMENT DATED 26.10.1999 ON  
                 LAR 81/86, 84/86 AND 85/86 BY THE SUBORDINATE COURT,  
                 KOTTARAKKARA.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

**P.B.SURESH KUMAR, J.**

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Dated this the 6<sup>th</sup> day of September, 2016.

**J U D G M E N T**

Properties owned by the petitioners have been acquired for a public purpose. The petitioners could not seek enhanced compensation under Section 18 of the Land Acquisition Act, 1894 ('the Act'). As such, when enhanced compensation was granted in respect of a property covered by the very same notification by the reference court, the petitioners preferred applications for redetermination of compensation invoking Section 28A of the Act. Ext.P2 series are the applications preferred by the petitioners under Section 28A of the Act. The limited prayer made by the learned counsel for the petitioners, when this matter was taken up for admission, is for a direction to the second respondent to consider Ext.P2 series applications preferred by the petitioners.

2. Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition

directing the second respondent to consider and pass orders on Ext.P2 series applications preferred by the petitioners, after affording an opportunity for hearing to the petitioners, within six weeks from the date of receipt of a copy of this judgment. Ordered accordingly.

***Sd/-***  
**P.B.SURESH KUMAR,**  
**JUDGE.**

***Kvs/-***

***// true copy //***