

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
THURSDAY, THE 2ND DAY OF NOVEMBER 2023 / 11TH KARTHIKA, 1945
WP(C) NO. 35237 OF 2023

PETITIONERS :-

- 1 ZADBI ZACHARIA, AGED 44 YEARS
S/O. T. V. ZACHARIA, THOLATH HOUSE,
PALLIKKAVU TEMPLE ROAD, VADUTHALA, PIN - 682023
- 2 VIJAYAKUMARI M.V, AGED 63 YEARS
W/O. M.K. SHAJI, VADAKKEMADAM (H), PALLIKAVU TEMPLE ROAD
VADUTHALA, PIN - 682023
- 3 SAMSON PRAKASIA, AGED 55 YEARS
S/O. ANTONY PRAKASIA, ARAKKAL HOUSE,
VADUTHALA, PIN - 682023
- 4 SHANGTON PRAKASIA, AGED 49 YEARS
S/O. JOSEPH PRAKASIA, ARAKKAL HOUSE,
VADUTHALA, PIN - 682023
- 5 AJITHAKUMARI, AGED 66 YEARS
W/O. P.N. SUBRAHMANYAN VADAKKEMADAM,
PALLIKKAVU TEMPLE ROAD, VADUTHALA, PIN - 682023
- 6 REMA RAJKUMAR , AGED 54 YEARS
W/O. RAJKUMAR AAYILYAM 32/1709,
VADUTHALA, PIN - 682023
- 7 VARGHESE GEORGE , AGED 60 YEARS
S/O. GEORGE KAINATTU HOUSE
VADUTHALA, PIN - 682023
- 8 MR.SAJEEVAN M.B, AGED 56 YEARS
S/O. M D PAPPI MANATHU PARAMBIL
VADUTHALA, PIN - 682023
- 9 ROSY ZACHARIA, AGED 69 YEARS
W/O. ZACHARIA, THOLATH HOUSE,
PALLIKAVU TEMPLE ROAD, VADUTHALA, PIN - 682023
- 10 MRINALINI P.K, AGED 73 YEARS
D/O. KUMARAN, PALLATH HOUSE,
ARA - 18, VADUTHALA, PIN - 682023
- 11 JAMES WILLIAM PUTHENVEETIL, AGED 63 YEARS
PUTHENVEETIL HOUSE, 46/398,
VADUTHALA, PIN - 682023

BY ADVS.
DIVYA C BALAN
K.N.SUGATHAN
P.D.SUBRAMANIAN NAMPOOTHIRI

RESPONDENTS :-

- 1 STATE OF KERALA, REPRESENTED BY ITS
ADDL. CHIEF SECRETARY
REVENUE DEPARTMENT, SECRETARIATE,
THIRUVANANTHAPURAM, PIN - 695001
- 2 COMMISSIONER FOR REHABILITATION AND RESETTLEMENT/LAND
REVENUE COMMISSIONER
OFFICE OF LAND REVENUE COMMISSIONER, PUBLIC OFFICE
BUILDING, MUSEUM, THIRUVANANTHAPURAM, PIN - 695033
- 3 THE DISTRICT COLLECTOR, ERNAKULAM
COLLECTORATE, KAKKANAD, ERNAKULAM, PIN - 682030
- 4 ADMINISTRATOR / THE DEPUTY COLLECTOR (LA)
COLLECTORATE, KAKKANAD, ERNAKULAM, PIN - 682030
- 5 SPECIAL TAHASILDAR (LA), LAND ACQUISITION (GENERAL)
VADUTHALA RAILWAY OVER BRIDGE PROJECT
COLLECTORATE, KAKKANAD, ERNAKULAM, PIN - 682030

SMT. DEEPA NARAYANAN, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 02.11.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners contend that the 1st respondent has now taken a decision to acquire a piece of land for the purpose of construction of a "Railway Over Bridge" at Vaduthala within the limits of Cheranalloor Village having an extent of 60.15 Ares. A notification under Section 4 (1) of the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) has also been published on 23.09.2021. The petitioners contend that they are entitled to the benefits of Ext.P1 scheme brought out by the Government for rehabilitation and resettling persons who are affected by the acquisition of land in the State. They contend that the scheme stands approved by the 2nd respondent as is evident from Ext.P2. The petitioners assert that being aggrieved by the acquisition proceedings that have been initiated which involve their property as well, they have preferred Ext.P4 to P14 representations before the 4th respondent seeking rehabilitation and fair compensation. It is in the above backdrop that the petitioners are before this Court seeking issuance of directions to the respondents to consider Exts.P4 to P14 representations and to reconsider the fixation of compensation to the petitioners on the basis of the materials produced by them.

2. Heard Sri.Divya C Balan, the learned counsel appearing for

the petitioners and the learned Government Pleader.

3. The learned Government Pleader submits that the representations filed by the petitioners pending as Exts.P4 to P14 can be considered in the light of Exts.P1 and P2.

Having considered the facts and circumstances and the submissions made across the bar, I am of the view that this writ petition can be disposed of by issuing the following directions:-

- a) There will be a direction to the competent among respondents to take up, consider, and pass appropriate orders on Ext.P4 to P14 representations as per procedure and in adherence to the provisions of law after affording an opportunity of being heard, either physically or virtually, to the petitioner herein.
- b) Orders, as directed above, shall be passed expeditiously, in any event, within a period of six weeks from the date of production of a copy of this judgment.
- c) It would be open to the petitioner to produce a copy of the writ petition along with the judgment before the concerned respondent for further action.

This Writ Petition is disposed of.

Sd/-
RAJA VIJAYARAGHAVAN V,
JUDGE

SMA

APPENDIX OF WP(C) 35237/2023

PETITIONER EXHIBITS :-

Exhibit P1	A TRUE COPY OF THE G.O. (MS) NO. 448/2017/RD DATED 29/12/2017
Exhibit P2	A TRUE COPY OF THE ORDER DATED 13/06/2023
Exhibit P3	A TRUE COPY OF THE PACKAGE GRANTED IN THE CASE OF METRO RAIL DATED 11/03/2020
Exhibit P4	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 1ST PETITIONER DATED 12/08/2023
Exhibit P5	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 2ND PETITIONER DATED 08/08/2023
Exhibit P6	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 3RD PETITIONER DATED 08/08/2023
Exhibit P7	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 4TH PETITIONER DATED 08/08/2023
Exhibit P8	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 5TH PETITIONER DATED 08/08/2023
Exhibit P9	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 6TH PETITIONER DATED 18/08/2023
Exhibit P10	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 7TH PETITIONER DATED NILL
Exhibit P11	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 8TH PETITIONER DATED 19/08/2023
Exhibit P12	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 9TH PETITIONER DATED 12/08/2023

Exhibit P13	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 10TH PETITIONER DATED 08/08/2023
Exhibit P14	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT BY THE 11TH PETITIONER DATED 29/09/2023
Exhibit P15	A TRUE COPY OF THE JUDGMENT DATED 14/02/2023 IN WP(C) NO. 4414 OF 2023
Exhibit P16	A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT BY THE PETITIONERS DATED 26/10/2023