

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

WEDNESDAY, THE 13TH DAY OF MAY, 2020/23RD VAISAKHA, 1942

W.P(C) NO.9917 OF 2020

PETITIONER:-

1. KOSHY MATHAI, AGED 74, S/O POTHA MATHAI
PARAKKADAVI HOUSE, PO NJALBHAGOM MURI
KAVIYOOR VILLAGE, THIRUVALLA TALUK
2. TOBIN MATHAI, AGED 41, S/O KOSHY MATHAI
PARAKKADAVI HOUSE, PO NJALBHAGOM MURI
KAVIYOOR VILLAGE, THIRUVALLA TALUK

BY ADV. SRI.CHERIAN GEEVARUGHESE
SRI.P.HARIDAS

RESPONDENTS:-

1. STATE OF KERALA, REP. BY THE HON'BLE CHIEF SECRETARY
GOVERNEMNT OF KERALA, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695 001
2. THE DISTRICT COLLECOTR, PATHANAMTHITTA - 689 645
3. THE DEPUTY CHIEF ENGINEER, PWD ROADS
THIRUVALLA - 689101
4. THE EXECUTIVE ENGINEER, PWED ROADS,
PATHANAMTHITTA - 689 645
5. THE ASST. EXECUTIVE ENGINEER,
PWD ROADAS, THIRUVALLA 689 101
6. THE ASST. EXECUTIVE ENGINEER, PWD ROADS
MALLAPPALLY, PATHANAMTHITTA 689 645
7. THE ASST.ENGINEER, PWD ROADS,
MALLAPPALLY, PATHANAMTHITTA 689 645
8. KERALA WATER AUTHORITY,
REPRESENTED BY ITS

MANAGING DIRECTOR, THIRVANANTHAPURAM

9. EXECUTIVE ENGINEER, WATER AUTHORITY,
THIRUVALLA 689 101

10. ASST. EXECUTIVE ENGINEER, WATER AUTHORITY,
THIRUVALLA 689 101

11. ASST. ENGINEER, WATER AUTHORITY,
THIRUVALLA 689 101

12. THE TAHSILDAR, THIRUVALLA 689 101

13. THE TAHSILDAR, LAND RECORDS (ADDL. TAHSILDAR)
THIRUVALLA 689 101

14. VILLAGE OFFICER, KAVIYOOR VILLAGE OFFICE
KAVIYOOR 689 102

R1 BY SMT.B.VINITHA, GOVERNMENT PLEADER

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
13.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

GOPINATH.P, J

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WP(C) NO. 9917 OF 2020

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DATED THIS THE 13th DAY OF May, 2020

ORDER

Admit.

2. Government Pleader takes notice for respondents 1 to 14. It is the case of the petitioners that their properties are being taken over for widening of a road without following the procedure for acquisition of land in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Government Pleader, on instructions submits that several persons have handed over land for widening of road as a free surrender and wherever such free surrender has not been obtained, property will be taken over, only after due procedure. This is recorded. Post after completion of pleadings.

GOPINATH.P

JUDGE

Nsd

APPENDIX

PETITIONERS EXTS.

Ext-P1 : TRUE COPY OF THE TAX RECEIPT DTD. 6.5.2020

EXT-P2 : TRUE COPY OF THE TAX RECEIPT DTD. 5.5.2020