

The State of Kerala vs E.R.Philip

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Court : Kerala

Decided On : Jun-20-2024

Judge : Honourable Mr. Justice a.Muhamed Mustaque,Honourable Mr. Justice S.Manu

Appeal No. : LA.App./151/2020

Appellant : The State of Kerala

Respondent : E.R.Philip

Judgement :

& LA.APP. NO. 142 OF 2020 AGAINST THE JUDGMENT AND DECREE DATED 23.03.2019 IN LAR NO.28 OF APPELLANT/RESPONDENT: REP BY THE SPECIAL TAHSILDAR(LA), KOCHI CORPORATION VYTILA-19. RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN LAR 1 *SAIFUNNISA W/O.ABDU, KALARIKKAL HOUSE, SIVARAMA MENON ROAD, THRIKKANARVATTOM, NOW RESIDING AT A1, LADIES STORES,, NEAR GIRLS HIGH SCHOOL, ERNAKULAM SOUTH, KOCHI-16. (CORRECTED) 2 THE SECRETARY KOCHI CORPORATION, SHANMUGHAM ROAD, ERNAKULAM. *SAIFUNNISA, W/O.ABDHU (LATE) GOVIND APARTMENTS, FLAT NO.401,KALATHIPARAMBU

ROAD, ERNAKULAM VILLAGE. 682016 THE ADDRESS OF 1ST RESPONDENT IS CORRECTED ,AS MENTIONED ABOVE, AS PER ORDER DATED 12.11.2021 IN I.A.NO.1/ 2021 IN LAA 142/2020 VARGHESE K.PAUL FOR R1 K. JANARDHANA SHENOY FOR R2 (SC) PETER KURIAN FOR R1 KASHMEERA ASHRAF FOR R1 SMT.SNEHA DIVAKARAN P. FOR R1 AL YASAR ARAFATH FOR R1 THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 20.06.2024, ALONG WITH LA.App..151/2020, 180/2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

& LA.APP. NO. 151 OF 2020 AGAINST THE JUDGMENT AND DECREE DATED 23.03.2019 IN LAR NO.25 OF APPELLANT/RESPONDENT REPRESENTED BY THE SPECIAL TAHSILDAR(LA),KOCHI CORPORATION, VYTTILA-19. RESPONDENTS/CLAIMANT & 2ND RESPONDENT IN LAR 1 E.R.PHILIP S/O.A.G.RAPHEL,ETTURUTHI(H), PULLEPPADY,KOCHI-18. 2 THE SECRETARY, KOCHI CORPORATION ,SHANMUGHAM ROAD, ERNAKULAM. SRI.VARGHESE K.PAUL FOR R1 KUM.AMMU TERESA FOR R1 PETER KURIAN FOR R1 R2 (SC) THIS LAND ACQUISITION APPEAL HAVING COME UP FOR HEARING ON

20.06.2024, ALONG WITH LA.App..142/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: & LA.APP. NO. 180 OF 2020 AGAINST THE JUDGMENT AND DECREE DATED 23.03.2019 IN LAR NO.27 OF APPELLANT/RESPONDENT: REPRESENTED BY THE SPECIAL TAHSILDAR (LA), KOCHI CORPORATION, VYTTILA-19. RESPONDENTS/CLAIMANTS AND 2ND RESPONDENT IN LAR 1 K.M.KUNJUMUHAMMED KALARIKKAL (H), NOW RESIDING AT A1 LADIES STORES, NEAR GIRLS HIGH SCHOOL, ERNAKULAM, PIN-682 016. 2 SHAMEER 3 RAMSHEED 4 RASHEED 5 RAJI D/O. KUNJUMUHAMMED, KALARIKKAL (H), NOW RESIDING AT A1 6 THE SECRETARY KOCHI CORPORATION, SHANMUGHAM ROAD, ERNAKULAM, PIN-682 011. SRI.VARGHESE K.PAUL FOR R1 TO R5

K. JANARDHANA SHENOY FOR R6 (STANDING COUNSEL) THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 20.06.2024, ALONG WITH LA.App..142/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 20TH day of JUNE 2024

A.Muhamed Mustaque, J.

These appeals are arising out of award passed by the reference Court under Section 28A (1) of the Land

Acquisition Act, 1894. Reference Court relied on judgment

in LAR No.76/2009. There was a challenge against the

judgment in LAR No.76/2009 by the State in LAA

No.166/2020. LAA No.166/2020 was dismissed on account of delay in filing the appeal. The delay was around 2460 days. In the light of the dismissal of LAA No.166/2020, these appeals are also dismissed. SD/ A.MUHAMED MUSTAQUE JUDGE SD/ S.MANU JUDGE jm/

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