

Dr.B.Jayakumar vs Union of India

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Court : Kerala

Decided On : Jun-03-2024

Judge : Honourable Mr. Justice M.a.Abdul Hakhim

Appeal No. : WP(C)/22533/2020

Appellant : Dr.B.Jayakumar

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM
MONDAY, THE 3RD DAY OF JUNE 2024 / 13TH JYAISHTA, 1946
WP(C) NO. 22533 OF 2020 PETITIONER/S: 1 DR.B.JAYAKUMAR
AGED 64 YEARS S/O SRI BHASKARAN NAIR, PROFESSOR
EMERITUS, MEDICAL COLLEGE, THIRUVANANTHAPURAM,
RESIDING AT TC NO 3/1996, ASWATHY, SIVAMANGALAM LANE,
PATTOM, KOWDIAR VILLAGE, PATTOM PALACE
P.O.THIRUVANANTHAPURAM-695 004.

2 BEENA PANIKKER, AGED 56 YEARS W/O DR. B.JAYAKUMAR, TC
NO 3/1996, ASWATHY, SIVAMANGALAM LANE, PATTOM, KOWDIAR

VILLAGE, PATTOM PALACE P.O.THIRUVANANTHAPURAM-695 004. BY ADVS. S.V.RAJAN SMT.SHIBI.K.P. SRI.R.SANTHOSH (VARKALA) SRI.S.HEMANTH SANTHOSH SRI.C.K.SUNIL SMT.V.K.GAYATHRI DEVI SRI.A.N.PREMLAL SRI.SANIL JOSE RESPONDENT/S: 1 UNION OF INDIA REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAVAN-1, PARLIAMENT STREET, NEW DELHI-110 001. 2 STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF LOCAL ADMINISTRATION, GOVT SECRETARIAT, THIRUVANANTHAPURAM, PIN CODE-695 001. 3 THE EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT, NATIONAL HIGHWAY DIVISION, PUSHPA NAGAR ROAD, PMG JUNCTION, THIRUVANANTHAPURAM, PIN CODE-695 033. 4 KALLIYOOR GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, OFFICE 13/502, NEMOM, PUNNAMOODU ROAD, KALLIYOOR P.O.THIRUVANANTHAPURAM, PIN CODE-695 042. 5 THIRUVANANTHAPURAM DISTRICT PANCHAYAT, REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM DISTRICT PANCHAYAT OFFICE, PATTOM P.O.THIRUVANANTHAPURAM-695 004. 6 THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM, KUDAPPANAKUNNU P.O. THIRUVANANTHAPURAM-695 043. 7 KERALA ROAD SAFETY AUTHORITY, REPRESENTED BY THE ROAD SAFETY COMMISSIONER, 4TH FLOOR, TRANCE TOWERS, VAZHUTHACADU, THIRUVANANTHAPURAM, PIN CODE-695 014. 8 HIGHWAY ADMINISTRATION, REPRESENTED BY THE AUTHORISED OFFICER, NATIONAL HIGHWAY DIVISION, OFFICE OF THE P.W.D, PUSHPA NAGAR ROAD, P.M.G JN, THIRUVANANTHAPURAM, PIN CODE-695 003.

BY ADVS. SMT.MINI GOPINATH, CGC SRI.R.B.RAJESH SRI.H.KIRAN SRI.HARISH GOPINATH SHRI.RAVINDRANATH.A OTHER PRESENT: SHRI. BIMAL K NATH- SR. GP THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03.06.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

When the writ petition was taken on 29.05.2024, there was no representation for the petitioners. Today also the petitioners are absent. Hence, the writ petition is dismissed for default. Sd/- M.A.ABDUL HAKHIM JUDGE Shg APPENDIX OF WP(C) 22533/2020 PETITIONER EXHIBITS EXHIBIT P1 THE TRUE COPY OF THE SALE DEED NO 438/2004 DATED 12.2.2004 REGISTERED AT NEMOM SUB REGISTRAR OFFICE IN FAVOUR OF THE PETITIONERS 1 &2 EXHIBIT P1 (A) THE TRUE COPY OF THE PROPERTY TAX RECEIPT DATED

13.5.2013 AGAINST THANDAPPER NO 17081 ISSUED TO THE PETITIONER FROM KALLIYOOR VILLAGE OFFICE THIRUVANANTHAPURAM DISTRICT EXHIBIT P2 THE TRUE COPY OF THE DESCRIPTION OF LAND PREPARED BY THE PETITIONERS IN RESPECT OF THEIR 7.829 ARES OF LAND IN KALLIYOOR VILLAGE, THIRUVANANTHAPURAM DISTRICT EXHIBIT P3 THE TRUE COPY OF THE SITE IDENTIFICATION REPORT

PREPORT PREPARED BY THE PETITONERS FOR THE PLOT OF 1.171 ARES OF LAND ACQUIRED FOR NATIONAL HIGHWAY NH- 66(OLDNH-47) FROM THE PETITIONERS PROPERTY IN RESURVEY NO 30/1/OF BLOCK NO 27 OF KALLIYOOR VILLAGE IN WARD NO 7 (KULAKUDIYOORKONAM WARD) OF KALLIYOOR PANCHAYAT

EXHIBIT P4 THE TRUE COPY OF THE COMPLAINT DATED 20.3.2020 SUBMITTED BY THE 1ST PETITIONER BEFORE THE RESPONDENT NO 3 EXHIBIT P5 THE TRUE COPY OF THE REPRESENTATION DATED 20.3.2020 SUBMITTED BY THE 1ST PETITIONER BEFORE THE RESPONDENT NO 4 EXHIBIT P6 THE TRUE COPY OF THE 1ST PETITIONERS REPRESENTATION DATED 19.3.2020 SUBMITTED BEFORE THE CIRCLE INSPECTOR, NEMOM POLICE STATION EXHIBIT P7 THE TRUE COPY OF THE WRIT PETITION (PAGES 1 TO 11 FILED BY THE PETITIONERS IN WPC NO 14611/2020 BEFORE THE FILE OF THE HON'BLE HIGH COURT OF KERALA EXHIBIT P8 THE TRUE COPY OF THE JUDGMENT DATED 29.7.2020 OF THE HIGH COURT OF KERALA IN WPC NO 14611/2020 EXHIBIT P9 THE TRUE COPY OF THE SITE INSPECTION REPORT DATED 11.9.2020 ISSUED BY THE 3RD

RESPONDENT EXHIBIT P10 THE TRUE COPY OF THE LETTER DATED 23.3.2018 UNDER REF

NO D2-1172/2018 ISSUED BY THE EXECUTIVE ENGINEER, (NATIONAL HIGHWAY DEPARTMENT, THIRUVANANTHAPURAM TO THE RESPONDENT NO 5 EXHIBIT P11 THE TRUE COPY OF THE LETTER UNDER REF NO D2-4554/S1/13 VOL 5 DATED 17.9.2020 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER EXHIBIT P12 THE TRUE COPY OF THE JUDGMENT DATED 24.11.1964 OF THE HON'BLE SUPREME COURT OF INDIA IN MUNICIPAL BOARD MANGLAUR V MAHADEOJI MAHARAJ REPORTED IN 1965 KHC 613 EXHIBIT P13 THE TRUE COPY OF THE JUDGMENT DATED 26.7.1996 OF THE HON'BLE HIGH COURT OF KERALA IN M.V JOSEPH V DISTRICT MAGISTRATE, REPORTED IN 1996 KHC 346

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