

M.C.Jacob vs Union of India

M.C.Jacob vs Union of India

SooperKanoon Citation : sooperkanoon.com/1306808

Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : WP(C)/37077/2022

Appellant : M.C.Jacob

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA,
1945 WP(C) NO. 37077 OF 2022 PETITIONERS: 1 M.C.JACOB AGED
52 YEARS S/O.CHERIYAN, MURIKKUMMOOTTIL HOUSE,
CHIRACKADAVAM KAYAMKULAM P.O., ALAPPUZHA-690572. 2
M.C.DANIEL, AGED 55 YEARS, S/O.CHERIYAN, MURIKKUMMOOTTIL
HOUSE, CHIRACKADAVAM, KAYAMKULAM P.O., ALAPPUZHA-
690572. BY ADVS. P.SATHISAN DONA AUGUSTINE RESPONDENTS:
1 UNION OF INDIA REP. BY SECRETARY, MINISTRY OF ROAD
TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA, 2 DIRECTOR
GENERAL (ROAD DEVELOPMENT) & SPECIAL SECRETARY, ROOM

NO.213, MINISTRY OF ROAD TRANSPORT & HIGHWAYS, TRANSPORT BHAVAN, 1, PARLIAMENT STREET, 3 PROJECT DIRECTOR, NATIONAL HIGHWAYS AUTHORITY OF INDIA (HEAD OFFICE), DWARAKA SECTOR 10, SOUTH WEST DELHI P.O., NEW DELHI-110075. 4 CHAIRMAN, NHAI, G-5 & 6, SECTOR-10, DWARAKA, SOUTH WEST DELHI P.O., NEW DELHI-110075. 5 THE PROJECT DIRECTOR NATIONAL HIGHWAYS AUTHORITY OF INDIA PROJECT IMPLEMENTATION KOCHI, VII/511 B, NEITHELI -MAVELIPURAM ROAD, MAVELIPURAM, WP(C) NO.37077/2022 2 KAKKANAD, KERALA 682030. 6 STATE OF KERALA, REP. BY ITS SECRETARY, PUBLIC WORKS DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM P.O., PIN - 695 001.

7 SPECIAL DEPUTY COLLECTOR AND COMPETENT AUTHORITY, LAND ACQUISITION, NHAI, COLLECTORATE, ALAPPUZHA COLLECTORATE P.O., PIN-688001. 8 DISTRICT COLLECTOR, ALAPPUZHA, BESIDE ZILLA PACHAYATH OFFICE, CIVIL STATION WARD P.O., ALAPPUZHA-688001. 9 ASSISTANT EXECUTIVE ENGINEER, NATIONAL HIGHWAY SUB- DIVISION, ALAPPUZHA P.O., PIN -688 001. BY ADV MANU S., DSG OF INDIA THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO.37077/2022 3

JUDGMENT

Dated this the 29th day of February, 2024 Petitioners have approached this Court seeking a direction to the seventh respondent to settle due supplementary award in favour of the petitioners based on Ext.P3 valuation report and to disburse or deposit the amounts entitled by the petitioners.

2. Respondents 1 to 5 have filed a counter affidavit, wherein paragraph 5 states as follows: 5.Accordingly, NHAI has deposited funds vide

order No.12764/RO-Kerala-Kottukulangara -

Start of Kollam Bypass/LA3G Award/ Kayamkulam/1639 dtd.15.10.2022. As such an amount of Rs.16,60,854/- (Rupees Sixteen Lakh Sixty Thousand Eight Hundred and Fifty Four only) has been sanctioned vide this office LAC proceedings A3-2485/2022 dated 23.11.2022. A cheque bearing No.13261 dated 25.11.2022 for Rs.16,60,854/- has been issued for transfer crediting the amount to the bank account of the petitioner.

3. Learned Government Pleader, upon instructions,

submitted that for the structures, supplementary award has been passed on 23.11.2022. In view of the same, Writ Petition is closed reserving the right of the petitioners to challenge the award, if aggrieved. Sd/-VIJU ABRAHAM JUDGE csl WP(C) NO.37077/2022 4 APPENDIX OF WP(C) 37077/2022 PETITIONERS' EXHIBITS Exhibit P1 TRUE COPY OF PROPERTY TAX RECEIPT NO.01/121020111117 DATED 30.09.2021 ISSUED TO THE 2ND PETITIONER. Exhibit P2 TRUE COPY OF LAND TAX RECEIPT NO.KL ISSUED IN THE NAME OF 2ND PETITIONER. Exhibit P3 TRUE COPY OF VALUATION REPORT IN REF NO.KKG/ALP/KARTHIKAPALLY/KAYAMKULAM/3 DATED 24.03.2022. Exhibit P4 TRUE SECTION 3G AWARD IN LAC NO.2253/2019(B)/KAYAMKULAM/S.O.4348(E)/A3-759/2022 DATED 31.03.2022 ISSUED TO 2ND PETITIONER. Exhibit P5 TRUE COPY OF THE INTERIM ORDER IN WPC NO.32774 OF 2022 DATED 7.11.2022.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com