

Hakkim.K.a vs Union of India Represented by Assistant Solicitor General

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Court : Kerala

Decided On : Dec-12-2023

Judge : Honourable Mr.Justice Murali Purushothaman

Appeal No. : WP(C)/33952/2023

Appellant : Hakkim.K.a

Respondent : Union of India Represented by Assistant Solicitor General

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN TUESDAY, THE 12TH DAY OF DECEMBER 2023 / 21ST AGRAHAYANA, WP(C) NO. 33952 OF 2023 PETITIONERS: 1 HAKKIM.K.A AGED 56 YEARS S/O. LATE ABDULLA, KUNNUMMEL HOUSE, PUTHIYAKAVU, MATHILAKAM.P.O. PAPPINIVATTOM VILLAGE, KODUNGALLOOR TALUK, THRISSUR DISTRICT., PIN - 2 RAMLATH.K.A AGED 54 YEARS D/O. LATE ABDULLA, CHIRAMURIYIL HOUSE, KUNJUNNIKKARA, UIIYANNOOR.P.O KADUNGALLOOR VILLAGE, PARAVOOR TALUK, ERNAKULAM DISTRICT., PIN - 683101 BY ADVS. C.M.EBRAHIM JOBI.A.THAMPI SHOUKATH HUSAIN RESPONDENTS: *1 UNION OF INDIA

REPRESENTED BY ASSISTANT SOLICITOR GENERAL HIGH COURT OF KERALA, ERNAKULAM KOCHI-, PIN - DESCRIPTION OF THE RESPONDENT IS SUO MOTU CORRECTED AS- *UNION OF INDIA REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGES, NEW DELHI - 110 003. 2 STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-, PIN - 695001 3 DISTRICT COLLECTOR THRISSUR., PIN - 680003 4 SPECIAL DEPUTY COLLECTOR (L.A) COMPETENT AUTHORITY FOR LAND ACQUISITION, NATIONAL HIGHWAY-66, KODUNGALLUR., PIN - 680685 BY ADV MANU S. DSG OF INDIA SMT. DEEPA V. - GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The description of the 1st respondent in the cause title is suo motu corrected as Union of India, Represented by the Secretary, Ministry of Environment, Forest and Climate Changes, New Delhi - 110 003.

2. The grievance of the petitioners is that, though

their property has been acquired for the purpose of widening NH66, a portion of the same, which is a private road having an extent of 0.85 ares, has been acquired without paying any compensation. The petitioners made a request before the 3rd respondent on 01.08.2022 seeking compensation for the said extent of 0.85 ares. However, by Ext. P8, the competent authority rejected the request of the petitioners stating that the property of 0.85 ares, for which compensation has been sought for by the petitioners, is a way used by about 15 persons in the locality. The petitioners submit that Ext. P8 communication has been issued without notice to them.

3. Heard the learned counsel for the petitioners,

learned DSGI and the learned Government Pleader. In the facts and circumstances of the case, there will be a direction to the 4th respondent to consider the request of the petitioners dated 01.08.2022 for compensation in respect of the property of 0.85 ares in Sy. No. 14/3 & 6 of Pappinivattom Village in Kodungallur Taluk, Thrissur District, afresh, after hearing the petitioners and with notice to the persons ordinarily using the said pathway and referred to in Ext. P8. An order in this regard shall be passed within a period of two months from the date of receipt of a certified copy of this

judgment.

The writ petition is disposed of. Sd/- MURALI PURUSHOTHAMAN bnu JUDGE
APPENDIX PETITIONERS EXHIBITS Exhibit P1 TRUE COPY OF THE SALE DEED NO.374/1987 OF THE SUB REGISTRAR OFFICE, MATHILAKAM WITH TYPED COPY Exhibit P2 TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE ISSUED BY THE TAHSILDAR KODUNGALLUR Exhibit P3 THE TRUE COPY OF RECEIPT FOR THE PAYMENT OF BASIC TAX Exhibit P4 THE TRUE COPY OF THE PARTITION DEED NO.3959/2011 EXECUTED AT THE SUB REGISTRAR OFFICE, MATHILAKAM WITH TYPED COPY Exhibit P5 TRUE COPY OF THE JUDGMENT AND DECREE DATED 12-03-2018 PASSED BY THE MUNSIFF COURT, KODUNGALLUR IN O.S. NO.327/2017 Exhibit P6 TRUE COPY OF THE NOTICES ISSUED BY THE 4TH RESPONDENT AS PER LAC NO.E3/ PAP/001424/2021 DATED NIL Exhibit P6(a) TRUE COPY OF THE NOTICES ISSUED BY THE 4TH RESPONDENT AS PER LAC NO.E3/PAP/005515/21 DATED NIL Exhibit P7 TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 4TH RESPONDENT AS PER NO.1/2021-E3/PAP /002668/2021 DATED 28- 10-2021 Exhibit P8 TRUE COPY OF THE SAID LETTER NO.E3/PAP/002668/2021 DATED 26-8-2022 BY THE 4RTH RESPONDENT