

**(2022) 02 KL CK 0041**  
**In the High Court Of Kerala**  
**Case No : Writ Petition (C) No. 741 Of 2022**

M.K.Thankappan

APPELLANT

Vs

Union Of India

RESPONDENT

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**Date of Decision :** 04-02-2022

**Acts Referred:**

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 105(1)

**Citation :** (2022) 02 KL CK 0041

**Hon'ble Judges :** S. Manikumar, CJ; Shaji P. Chaly, J

**Bench :** Division Bench

**Advocate :** A.K.Preetha, M.R.Rajesh, Anns Thanku Paul, Reshma R.Krishnan, Gopalakrishnan Kurup, A.Dinesh Rao, V.Manu, T.B.Hood

**Final Decision :** Dismissed

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## Judgement

S. Manikumar, CJ.

This writ petition has been filed for the following reliefs:

1. A writ of certiorari or any other appropriate writ, order or direction quashing and setting aside Exts.P5, P6 and all consequential proceedings.
2. A writ of mandamus or any other appropriate writ, order or direction interdicting the 4th and 5th respondents from proceeding with pre investment activities including survey and land acquisition under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
3. Declare that in view of Section 105(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the proceedings under the LARR Act, 2013 has no application to the Silverline project.

4. Declare that the 4th respondent has no authority to undertake pre investments activities on the basis of "In Principle Approval" as the pre investment cost estimate is above Rs.100 crore and that the 4th respondent lacks jurisdiction to undertake survey and land acquisition without the approval of Cabinet/Cabinet Committee on Economic Affairs, hence illegal.

5. Declare that as the Project of the cost is above Rs.1000 Crore, the project can be proceeded with only after approval from the competent/prescribed authority as envisaged in Ext. P8;

2. Even though Smt. A.K. Preetha, learned counsel for the petitioner, has filed a memo dated 04.02.2020 seeking permission to withdraw the writ

petition, with liberty to file afresh, she submitted that no liberty need be granted.

Placing on record the said submission, this writ petition is dismissed as withdrawn.