
(2022) 10 KL CK 0066
In the High Court Of Kerala
Case No : Writ Petition (C) No. 17459 Of 2022

V. Kumar

APPELLANT

Vs

District Collector Thiruvananthapuram, Civil Station Road,
Kudappanakkunnu, Thiruvananthapuram Pin 695043

RESPONDENT

Date of Decision : 10-10-2022

Acts Referred:

Land Acquisition Act, 1894 — Section 28A

Citation : (2022) 10 KL CK 0066

Hon'ble Judges : T.R.Ravi, J

Bench : Single Bench

Advocate : Pirappancode V.S.Sudhir, Akash S., A.Megha, Girish Kumar M S,
Mable C. Kurian

Final Decision : Allowed

Judgement

T.R. Ravi, J.

Admit. Government Pleader takes notice for the respondents. The prayer in the writ petition is for a direction to the 2nd respondent to consider Ext.P3 application submitted by the petitioner under Section 28A of the Land Acquisition Act, seeking enhancement of the compensation awarded in terms of Ext.P2 judgment in LAR 200/2009 of the Second Additional Sub Court, Thiruvananthapuram as modified by Ext.P4 judgment of this Court in LAA 273/2016. By Ext.P8 the request was rejected stating that the application is filed beyond the prescribed time. The respondents had initially filed a statement stating that even though the judgment in LAR 200/2009 was passed on 30.10.2013, a copy application for the certified copy of the judgment was submitted only on 27.05.2014 which is beyond the period of limitation. The petitioner has produced materials to show that the application had been filed on 12.11.2013 as per application No.A.6001/2013 and is well within the prescribed time. This Court had directed to the Government Pleader to get necessary instructions regarding the above aspect. It is now submitted that the application

has been filed within time and hence there can be new denial of reference on the ground of limitation.

In the above circumstances, the petitioner is entitled to succeed in the writ petition. The writ petition is allowed. Ext.P8 is set aside. The 2nd respondent is directed to take up Ext.P3 application submitted by the petitioner under Section 28A of the Act and to refer the dispute if the application is otherwise in order within one month from the date of receipt of a copy of this judgment.