

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

THURSDAY, THE 7TH DAY OF DECEMBER 2023/16TH AGRAHAYANA, 1945

WP(C) NO. 26705 OF 2023

PETITIONER:

DR.ABDUL KHADER @ K. ABDUL KHADER
AGED 78 YEARS, S/O. SAYYED,
R/AT THUMINAD HOUSE, MANJESWAR PANCHAYAT,
KUNJATHUR, KUNJATHUR VILLAGE AND POST,
MANJESWARAM TALUK,
KASARAGOD DISTRICT, PIN - 671 323.

BY ADVS.
R.ANAS MUHAMMED SHAMNAD
BIJI MATHEW
C.C.ANOOP
SARUN RAJAN
RASHEEK AHAMED B.A.

RESPONDENTS:

- 1 SPECIAL DEPUTY COLLECTOR (LA NH) & COMPETENT
AUTHORITY
ANANGOOR, KASARAGOD,
KASARAGOD VILLAGE AND TALUK,
KASARAGOD DISTRICT, PIN - 671 123.
- 2 SPECIAL TAHSILDAR L.A (NH)
OFFICE OF THE SPECIAL TAHSILDAR,
KASARAGOD, PIN - 671 123.
- 3 TAHSILDAR L R COMPETENT AUTHORITY
OFFICE OF THE SPECIAL TAHSILDAR,
KASARAGOD, PIN - 671 123.
- 4 NATIONAL HIGHWAY AUTHORITY OF INDIA
KOZHIKODE OFFICE,
PROVIDENCE WOMEN'S COLLEGE ROAD,
MALAPPARAMBA, KOZHIKODE
REPRESENTED BY ITS EXECUTIVE ENGINEER,
PIN - 673 009.

SRI. MATHEWS K.PHILIP - SC
SMT. DEEPA NARAYANAN - SR. GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07.12.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The petitioner states that he is the owner having an extent of 00.02.83 Ares of land comprised in Re-Sy. No.87/3BPt (87/12) of Udayavara Village obtained as per Ext.P1 sale deed. The petitioner states that out of the said property, an extent of 43.5 Sq. Mtrs. is acquired by the National Highway for the purpose of widening of National Highway-66. The petitioner further states that though the said property belongs to him, no compensation has been given to him. Accordingly, he approached the 1st respondent seeking compensation for the land taken possession of from him.

2. The 1st respondent, by Ext.P5, has rejected the claim of the petitioner, stating that the acquired land is a public road and about fifteen families are using the said land and the petitioner is not in

possession and enjoyment of the said extent of land and that the petitioner is not entitled for any compensation. Impugning Ext.P5 the petitioner has preferred this writ petition.

3. The petitioner states that he did not get any opportunity before the 1st respondent to prove his title and possession in respect of 43.5 Sq. Mtrs. of land acquired from him, which forms part of Ext.P1 sale deed. The petitioner has submitted Ext.P7 representation before the 1st respondent.

4. When the writ petition came up for further consideration today, the petitioner submits that he will be satisfied, if a direction is given to the 1st respondent to consider and pass orders on Ext.P7 representation after hearing him.

5. Heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for the NHAI.

6. In the facts and circumstances of the case and having regard to the submissions made across the Bar, there will be a direction to the 1st respondent to consider Ext.P7 representation after notice to the petitioner and the persons stated to be using the said pathway mentioned in Ext.P5, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of with the above direction.

Sd/ -

**MURALI PURUSHOTHAMAN
JUDGE**

APPENDIX

PETITIONER'S EXHIBITS: -

- EXHIBIT P1 TRUE COPY OF THE SALE DEED NO 876/2009, DATED 29/09/2009 OF MANJESWAR SRO ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT P2 TRUE COPY OF THE POSSESSION CERTIFICATE DATED 01/12/2021 ISSUED FROM THE KUNJATHOOR VILLAGE OFFICE.
- EXHIBIT P3 TRUE COPY OF THE LAND TAX RECEIPT DATED 22/05/2022 ISSUED FROM KUNJATHOOR VILLAGE OFFICE.
- EXHIBIT P4 TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE HON'BLE REVENUE MINISTER.
- EXHIBIT P5 TRUE COPY OF THE LETTER BEARING NO LAC.36/UDAYAVARA(2) DATED 03.02.2023 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P6 TRUE COPY OF THE REPORT DATED 12.01.2022 SUBMITTED BY THE SECRETARY OF MANJESWAR GRAMA PANCHAYAT.
- EXHIBIT P7 REPRESENTATION LETTER DATED 12.04.2023 BY THE PETITIONER TO THE RESPONDENT.

RESPONDENTS EXHIBITS: NIL.