



2025:KER:30445

WP(C) NO. 10296 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

WP(C) NO. 10296 OF 2025

PETITIONER:

NAZEEM E K
AGED 65 YEARS, W/O KUNHAHMEDKUTTY, PARAATTUVEETIL
KOTTITAKAYIL, ORUMANAYUR, THRISSUR, PIN - 680512.

BY ADVS.
P.SATHISAN
SHIBU B.S
BIJU P.PAUL
AKSHARA RAJU

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY, MINISTRY OF ROAD
TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA, CENTRAL
DELHI P.O., NEW DELHI, PIN - 110001.
- 2 DIRECTOR GENERAL (ROAD DEVELOPMENT) & SPECIAL
SECRETARY
ROOM NO.213, MINISTRY OF ROAD TRANSPORT & HIGHWAYS,
TRANSPORT BHAVAN, 1, PARLIAMENT STREET, CENTRAL
DELHI P.O., NEW DELHI, PIN - 110001.
- 3 PROJECT DIRECTOR
NATIONAL HIGHWAYS AUTHORITY OF INDIA (HEAD OFFICE),
DWARAKA SECTOR 10, SOUTH WEST DELHI P.O., NEW
DELHI, PIN - 110075.



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- 4 CHAIRMAN
NHAI, G-5 & 6, SECTOR-10, DWARAKA, SOUTH WEST DELHI
P.O., NEW DELHI, PIN - 110075.
- 5 THE PROJECT DIRECTOR
NHAI, COCHIN 1, VII/511 B, NEITHELI -MAVELIPURAM
ROAD, MAVELIPURAM, KAKKANAD, KERALA., PIN - 682030.
- 6 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, PUBLIC WORKS
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM P.O.,
PIN - 695001.
- 7 SPECIAL DEPUTY COLLECTOR AND COMPETENT AUTHORITY
LAND ACQUISITION, NH17, KODUNGALLUR P.O, THRISSUR,
KERALA, PIN - 680669.
- 8 DISTRICT COLLECTOR
THRISSUR, CIVIL STATION, CIVIL LINES RD, KALYAN
NAGAR, AYYANTHOLE, THRISSUR, KERALA, PIN - 680003.
- 9 THE ASSISTANT EXECUTIVE ENGINEER
PWD (ROADS), PWD (ROADS DIVISION), CHEMBUKKAV,
THRISSUR, KERALA, PIN - 680008.

SRI. RAJEEV JYOTHISH GEORGE, GP
SRI.B.G.BIDAN CHANDRAN, SC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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T.R. RAVI, J.

W.P.(C) No.10296 of 2025

Dated this the 07th day of April, 2025

JUDGMENT

The petitioner has preferred an application seeking compensation for the unusable portions left out after the acquisition. The petitioner has preferred Ext.P6 application before the Sub Collector and Ext.P6(a) is the receipt evidencing filing of Ext.P6. The question regarding payment of compensation for the unacquired portion which cannot be used, had been considered by this Court in a batch of writ petitions and the judgment of the learned Single Judge was taken up in appeal by the National Highway Authority. The Division Bench has already disposed of the appeal directing the parties to take up the matter either before the competent Authority or the Arbitrator.

In the above circumstances, this writ petition is



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disposed of, directing the petitioner to prefer an application before the 8th respondent within three weeks from today and the 8th respondent shall on receipt of such an application, consider the same and pass orders in terms of the judgment of the learned Single Judge in W.P.(C) No.5944/2021 and connected cases and the judgment of the Division Bench of this Court in W.A.No.718 of 2024 and connected cases. Needless to say that the NHAI also be heard before any orders are issued in the application that is to be filed by the petitioner. The petitioner may produce a copy of the judgment of the Division Bench and that of the learned Single Judge before the Arbitrator for necessary compliance.

Sd/-

**T.R.RAVI
JUDGE**

mpm



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APPENDIX OF WP(C) 10296/2025

PETITIONER'S EXHIBITS

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|---------------|--|
| Exhibit P1 | TRUE COPY OF THE PROPERTY TAX RECEIPT NO.117080102112 DATED 30.12.2017 ISSUED BY ORUMANAYOOR GRAMA PANCHAYATH IN FAVOUR OF THE PETITIONER'S HUSBAND. |
| Exhibit P2 | TRUE COPY OF SECTION 3G AWARD NO.2/2021-LA2/ORU/011028/2021 DATED 05.01.2022 ISSUED BY 7TH RESPONDENT TO THE PETITIONER AND 4 OTHERS. |
| Exhibit P2(a) | TRUE COPY OF ANOTHER SECTION 3G AWARD NO.2/2021-LA2/ORU/010428/2021 DATED 05.01.2022 ISSUED BY 7TH RESPONDENT TO THE PETITIONER AND 4 OTHERS. |
| Exhibit P2(b) | TRUE COPY OF SECTION 3G AWARD NO.1/2021-LA2/ORU/010608/2021 DATED 22.03.2022 ISSUED BY 7TH RESPONDENT TO THE PETITIONER AND 4 OTHERS. |
| Exhibit P3 | TRUE COPY OF THE GOVERNMENT NOTIFICATION DATED 28.08.2015. |
| Exhibit P4 | TRUE COPY OF THE STRUCTURAL PLAN SHOWING THE PROPOSED LINE OF ACQUISITION AND LINE OF IMPACT. |
| Exhibit P5 | TRUE COPY OF THE STRUCTURAL CERTIFICATE DATED 27.02.2025 ISSUED BY QUALIFIED CHARTERED ENGINEER ABOUT THE STRUCTURE. |
| Exhibit P6 | TRUE COPY OF LATEST APPLICATION DATED 28.01.2025 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, THRISSUR. |



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Exhibit P6(a)

TRUE COPY OF RECEIPT NO.16/25 OF EXHIBIT
P6 APPLICATION DATED 28.01.2025.