



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. 14283 OF 2025

PETITIONER:

ASWINI BABU
AGED 42 YEARS
S/O BABU KUZHIMATTOM PATTASSERIL , VAZHICHIRA
PADINJAREPARAMBIL, CHINGAVANAM.P.O,
KOTTAYAM DISTRICT, PIN - 686 531

BY ADVS.
SRI.K.SANEESH KUMAR
SMT.V.B.SANTHINI
SMT.RADHIKA RAMACHANDRAN

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
KERALA, PIN - 695 001
- 2 THE SPECIAL TAHSILDAR, (LAND ACQUISITION OFFICER)
LAND ACQUISITION, (KIIFB) OFFICE, UNIT 1,
LRM CAMP OFFICE BUILDING, KANAKA NAGAR,
KAWDIAR.P.O, VELLAYAMBALAM,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 003
- 3 THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM, 2ND FLOOR, CIVIL STATION ROAD,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 043
- 4 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD,
TRANSPORT AND HIGHWAYS, NEW DELHI, PIN - 110 001

SMT. DEEPA NARAYANAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAVI.J**

WP(C) No.14283 of 2025

Dated this the 07th day of April, 2024

JUDGMENT

The grievance of the petitioner is that an application submitted under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been rejected on the reason that it is delayed by 46 days. The proviso to Section 64(2) of the said Act empowers the Collector to entertain an application after the expiry of the period prescribed within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso. Hence the rejection even without considering the reason for delay is not justified.

The writ petition is hence allowed. Ext.P6 is set



aside. There will be a direction to the 2nd respondent to reconsider Exts.P3 and P4 and pass fresh orders keeping in view the proviso to Section 64(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Necessary orders shall be passed within two months from the date of receipt of a copy of this judgment.

Sd/-

T.R.RAVI

JUDGE

sn



APPENDIX OF WP(C) 14283/2025

PETITIONER'S EXHIBITS

- | | |
|-------------------|---|
| Exhibit P1 | A TRUE COPY OF THE AWARD PASSED BY THE 2ND RESPONDENT ON 7.6.2024 BEARING AWARD NO. 38/24 IN LAC.NO. 586/2022 |
| Exhibit P2 | A TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO THE NOTICE ISSUED BY THE 2ND RESPONDENT ON 16.2.2024. |
| Exhibit P3 | A TRUE COPY OF THE APPLICATION SEEKING REFERENCE TO AUTHORITY SUBMITTED BY THE PETITIONER ON 25.9.2024 |
| Exhibit P4 | A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER ON 26.9.2024 BEFORE THE 2ND RESPONDENT |
| Exhibit P5 | A TRUE COPY OF THE APPLICATION DATED 30.1.2025, SUBMITTED BY THE PETITIONER EXPLAINING THE DELAY OCCURRED FOR SUBMITTING EXHIBIT P3. |
| Exhibit P6 | A TRUE COPY OF THE ORDER DATED 6.3.2025, REJECTING THE EXHIBIT P3 APPLICATION FOR REFERENCE ISSUED BY THE 2ND RESPONDENT. |