

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY ,THE 30TH DAY OF NOVEMBER 2018 / 9TH AGRAHAYANA, 1940

WP(C).No. 20115 of 2018

PETITIONER/S:

VALSALA, D/O. RAJAMMA, AGED 53 YEARS,
RESIDING AT VALSALYAM, MANAKUNNU, AITHARA,
SREEKARYAM P.O., CHERUVAIKKAL
VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.R.S.KALKURA

RESPONDENT/S:

- 1 DISTRICT COLLECTOR, THIRUVANANTHAPURAM
COLLECTORATE CIVIL STATION, KUDAPPANAKKUNNU
P.O., THIRUVANANTHAPURAM-695043.
- 2 THE EXECUTIVE ENGINEER
PWD ROADS DIVISION, THIRUVANANTHAPURAM-695033.

OTHER PRESENT:

SRI.SAIGI JACOB PALATTY, SR.GOV'T.PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.11.2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The main prayer in this Writ Petition (Civil)
is as follows:

"Issue a writ of mandamus or any other appropriate writs, directions or orders of the nature of mandamus directing the respondents 1 and 2 to deposit the amount covered by E.P.13 of 2015 in LAR 13 of 2013 pending before the 2nd Additional Subordinate Judges Court, Thiruvananthapuram within a time limit to be prescribed by this Hon'ble Court."

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2. Heard Sri.R.S.Kalkura, learned counsel for the petitioner and Sri.Saigi Jacob Palatty, learned Senior Government Pleader appearing for the respondents.

3. According to the petitioner, though his properties have been acquired by the respondents long ago, even now, he has not been paid any amount in respect of the said acquisition proceedings by way of compensation, etc. Now, that the petitioner has been constrained to initiate Ext.P-5 Execution Petition, E.P.No.13/2015 in L.A.R.No.13/2013 before the Additional Subordinate Judge's Court-II, Thiruvananthapuram, for execution of the judgment and decree in Ext.P-1 L.A.R.No.13/2013 on the file of the said court. It is pointed out that this Court in similar judgments as in judgment dated 12.4.2017 in W.P.(C).No.11504/2017 has ordered that respondents shall release and disburse 30% of the due amount within 2 months and thereafter the balance amount shall be disbursed in 4 equated monthly instalments succeeding to the first instalment.

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4. Taking note of the above said facts and circumstances disclosed in this petition, it is ordered that the competent authority among the respondents will ensure that 40% of the entire due amount is released and disbursed to the petitioner within 4 months and the balance 60% should be released and disbursed in 6 equated monthly instalments succeeding to the first instalment. If there is any deviance in payments from the from the abovesaid time line suggested by this Court, it is ordered that it is for the petitioner to approach the execution court in Ext.P-5 E.P.No.13/2015 arising out of L.A.R.No.13/2013 on the file of the abovesaid LAR court for finalisation of the Execution Petition in which case the Execution Court shall ensure that orders are passed on the Execution Petition without much delay.

With these observations and directions, the above Writ Petition (Civil) will stand finally disposed of.

Sd/-

ALEXANDER THOMAS,
JUDGE.

Bkn/-

APPENDIX

PETITIONER'S/S EXHIBITS:

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| EXHIBIT P1 | TRUE COPY OF THE JUDGMENT IN L.A.R. 13 OF 2013 AND CONNECTED CASES DATED 21.2.2014 ON THE FILE OF THE 2ND ADDITIONAL SUBORDINATE JUDG'S COURT, THIRUVANANTHAPURAM. |
| EXHIBIT P2 | TRUE COPY OF THE DECREE IN L.A.R.13 OF 2013 AND CONNECTED CASES DATED 21.2.2014 ON THE FILE OF THE 2ND ADDITIONAL SUBORDINATE JUDGE'S COURT, THIRUVANANTHAPURAM |
| EXHIBIT P3 | TRUE COPY OF THE MEDICAL REGISTRATION CERTIFICATE ISSUED IN THE NAME OF THE PETITIONER'S SON |
| EXHIBIT P4 | TRUE COPY OF THE PROVISIONAL CERTIFICATE ISSUED BY THE UNIVERSITY OF KERALA IN THE NAME OF ABHIJITH. S.V. DATED 16.9.2017. |
| EXHIBIT P5 | TRUE COPY OF E.P. NO. 13 OF 2015 IN LAR 13 OF 2013 DATED 1.1.2015 BEFORE THE 2ND SUBORDINATE JUDGES COURT, THIRUVANANTHAPURAM. |
| EXHIBIT P6 | TRUE COPY OF THE APPLICATION FOR ATTACHMENT FILED BY THE PETITIONER IN E.P.13 OF 2015 IN L.A.R. 13 OF 2013 ON THE FILE OF THE 2ND ADDITIONAL SUBORDINATE JUDG'S COURT, THIRUVANANTHAPURAM. |
| EXHIBIT P7 | TRUE COPY OF THE STATEMENT SUBMITTED BY THE PETITIONER IN E.P.13 OF 2015 IN L.A.R.13, OF 2013 ON THE FILE OF THE 2ND ADDITIONAL SUBORDINATE JUDGE'S COURT, THIRUVANANTHAPURAM. |
| EXHIBIT P8 | TRUE COPY OF THE ORDER DATED 31.5.2018 IN R.P. 414 OF 2018 IN O.P.C NO. 690 OF 2018 ON THE FILE OF THIS HONOURABLE COURT. |