

**(2010) 04 KL CK 0060**

**High Court Of Kerala**

**Case No:** WP (C) . No. 11552 of 2010 (T)

V.P. Antony

APPELLANT

Vs

State of Kerala and Special  
Tahasildar (LA)

RESPONDENT

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**Date of Decision:** April 5, 2010

**Acts Referred:**

- Land Acquisition Act, 1894 - Section 18

**Hon'ble Judges:** Antony Dominic, J

**Bench:** Single Bench

**Advocate:** Jeena Joseph, for the Appellant; No Appearance, for the Respondent

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### **Judgement**

Antony Dominic, J.

Petitioner submits that 41 cents of land comprised in Sy. Nos. 411/3, 411/2, 411/5, 411/8 of Mattur Village was acquired under the provisions of the Land Acquisition Act under the Fast Track method. According to him, the property is having road frontage, but however has been categorized and compensation paid, on the basis that the property does not have road frontage. As a result of this, petitioner suffered huge loss. Thereupon he submitted Ext.P5 representation to the District Collector. It is stated that as per the endorsement made by the District Collector on 10.11.2008, Ext.P5 representation was forwarded to the 2nd respondent for report. It is stated that there has not been any progress in the matter. It is in these circumstances the writ petition has been filed praying for a direction to the respondents to redetermine the compensation payable to the petitioner on the basis that the land acquired from him has road frontage and is to be categorized on that basis.

2. Learned Government Pleader has brought to my notice the judgment rendered by this Court in WP(c). No. 29068/2009, where in identical circumstance, a pending representation requesting for recatgorization of land involved in that proceedings was directed to be considered. It was also ordered that in the event the decision taken by the Land Acquisition Officer was adverse to the petitioner therein, that

petitioner can resile from the consent given for proceeding under fast track method and seek reference of his claim u/s 18 of the Land Acquisition Act.

3. Taking into account the fact that the grievance in this writ petition is similar to the one dealt with by this Court in WP(c). No. 29068/09, I dispose of this writ petition with the following directions.

4. That the 2nd respondent, to whom Ext.P5 representation was forwarded by the District Collector, shall consider the said representation and pass orders thereon. This shall be done as expeditiously as possible and at any rate within 6 weeks from the date of production of a copy of this judgment.

5. It is clarified that, in the event the decision taken on Ext.P5 is adverse to the petitioner, it will be open to the petitioner to resile from the consent given for proceeding under fast track method and seek reference of his claim u/s 18 of the Act, in which event necessary orders in this behalf will be passed.

Petitioner shall produce a copy of this judgment along with a copy of this writ petition before the respondent for compliance.