



2024/KER/14116

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 22ND DAY OF FEBRUARY 2024 / 3RD PHALGUNA, 1945

LA.APP. NO. 15 OF 2024

AGAINST THE JUDGMENT DATED 18.11.2022 IN LAR 43/2019 OF LAND
ACQUISITION REHABILITATION & RESETTLEMENT AUTHORITY, KOTTAYAM

APPELLANTS/RESPONDENTS 1 & 2:

- 1 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR KOTTAYAM, PIN - 686002
- 2 THE SPECIAL TAHSILDAR
LAND ACQUISITION, RAILWAY KOTTAYAM, PIN - 686001

BY SENIOR GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

RESPONDENTS/CLAIMANT & 3RD RESPONDENT:

- 1 KOOL FOAM PVT. LTD.
A COMPANY REGISTERED UNDER THE INDIAN COMPANIES ACT, 1956
REPRESENTED BY ITS MANAGING DIRECTOR ALEXANDER SEBASTIAN,
S/O P.C SEBASTIAN, RESIDING AT PALLIVATHUKKAL HOUSE,
MUTTAMBALAM VILLAGE, COLLECTORATE P.O KOTTAYAM, PIN -
686002
- 2 THE DEPUTY CHIEF ENGINEER
(CONSTRUCTION II), SOUTHERN RAILWAY ERNAKULAM, PIN -
682016

BY ADVS.
SRI.MATHEW JOHN - FOR R1
ABY J AUGUSTINE(K/000302/2018) - FOR R1
ZAKHIER HUZZAIN(K/122/1986) - FOR R1
DSGI - FOR R2

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
22.02.2024, ALONG WITH LA.App..16/2024, 17/2024, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:



LAA Nos.15, 16 & 17 of 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 22ND DAY OF FEBRUARY 2024 / 3RD PHALGUNA, 1945

LA.APP. NO. 16 OF 2024

AGAINST THE JUDGMENT DATED 18.11.2022 IN LAR 34/2020 OF LAND

ACQUISITION REHABILITATION & RESETTLEMENT AUTHORITY, KOTTAYAM

APPELLANTS/RESPONDENTS 1&2:

1 STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR ,KOTTAYAM, PIN -
686002

2 THE SPECIAL TAHSILDAR
LAND ACQUISITION ,RAILWAY ,KOTTAYAM, PIN - 686001

BY SENIOR GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

RESPONDENTS/CLAIMANT & 3RD RESPONDENT:

1 VIJAYAPURAM DIOCESE
REPRESENTED BY REV.FR.AJI,CHERUKAKRAMCHERIYIL ,KOTTAYAM,
PIN - 686001

2 THE DEPUTY CHIEF ENGINEER
(CONSTRUCTION II),SOUTHERN RAILWAY ,ERNAKULAM, PIN -
682016

BY ADVS.
JAMES KURIAN
MATHEW JOHN - FOR R1
ZAKHIER HUZZAIN(K/122/1986) - FOR R1
DSGI - FOR R2

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
22.02.2024, ALONG WITH LA.App..15/2024 AND CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:



LAA Nos.15, 16 & 17 of 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 22ND DAY OF FEBRUARY 2024 / 3RD PHALGUNA, 1945

LA.APP. NO. 17 OF 2024

AGAINST THE JUDGMENT DATED 18.11.2022 IN LAR 36/2019 OF LAND

ACQUISITION REHABILITATION & RESETTLEMENT AUTHORITY, KOTTAYAM

APPELLANTS/1ST RESPONDENT & 2ND RESPONDENT:

- 1 STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR ,
KOTTAYAM
COLLECTORATE , KOTTAYAM, PIN - 686002
- 2 THE SPECIAL TAHSILDAR
LAND ACQUISITION , RAILWAYS , KOTTAYAM, PIN - 686001

BY SENIOR GOVERNMENT PLEADER SRI.T.K.SHAJAHAN

RESPONDENTS/CLAIMANT & 3RD RESPONDENT:

- 1 KOOL FOAM PVT.LTD. A COMPANY REGISTERED UNDER THE INDIAN
COMPANIES ACT 1956
REP. BY MANAGING DIRECTOR ALEXANDER SEBASTIAN S/O P.C
SEBASTIAN , PALLIVATHUKKAL HOUSE , MUTTAMBALAM VILLAGE ,
COLLECTORATE P.O ,KOTTAYAM, PIN - 686002
- 2 THE DEPUTY CHIEF ENGINEER
(CONSTRUCTION II) , SOUTHERN RAILWAY ERNAKULAM, PIN -
682016

BY ADVS.
SRI.MATHEW JOHN - FOR R1
ABY J AUGUSTINE(K/000302/2018) - FOR R1
DSGI - FOR R2

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON
22.02.2024, ALONG WITH LA.App..15/2024 AND CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:



“CR”

CM Appl.No.1 of 2024 in LAA No.15 of 2024;
CM Appl.No.1 of 2024 in LAA No.16 of 2024; &
CM Appl.No.1 of 2024 in LAA No.17 of 2024

AND

LAA Nos.15, 16 & 17 of 2024

JUDGMENT

A. MUHAMED MUSTAQUE, J.

These appeals are filed by the State under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (hereafter referred to as, “the Act”) with applications to condone the delay of more than 120 days in filing the appeals. We are not referring to the delay involved in each case as it varies from case to case. A preliminary objection has been raised by the learned counsel for the respondents in regard to the maintainability of the



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appeals as they were filed beyond the time permitted under Section 74 of the Act. The appeals are preferred against the award of the authority under Section 69 of the Act.

2. Proviso to Section 74(1) of the Act is clear as to the maximum time, within which an appeal can be entertained by the High Court. Section 74(1) of the Act states that an appeal has to be filed within 60 days from the date of the award. Proviso states that the High Court may entertain the appeal if there is sufficient cause is shown beyond 60 days, provided, the appeal is filed within a further period of 60 days. That means, the maximum period, within which the appeal can be entertained by the High Court, is 120 days. Any appeal filed beyond 120 days from the date of award cannot be entertained by the High Court as the High Court has no power to condone the delay beyond 60 days after the expiry of 60 days reckoned from the date of award.
3. The Karnataka High Court, in a detailed order in RP No.328 of 2021 in MFA No.3806 of 2019, considered the impact of proviso and found that beyond 120 days, no



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appeal is entertainable by the High Court and there is no power to condone delay.

In the light of the above, the applications to condone the delay in filing these land acquisition appeals are dismissed. Consequently, the land acquisition appeals are also dismissed.

SD/-

A. MUHAMED MUSTAQUE

JUDGE

SD/-

SHOBA ANNAMMA EAPEN

JUDGE

bka/-