

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Tuesday, the 26<sup>th</sup> day of July 2022 / 4th Sravana, 1944  
WP(C) NO. 30567 OF 2021 (U)

**PETITIONERS:**

1. MURALIKRISHNAN, AGED 43 YEARS, S/O M.S KRISHNAN POTTY, MADAMANA ILLOM, VELLUTHURUTHY, KUZHIMATTOM P.O., KOTTAYAM DISTRICT-686 533
2. KURIAN T KURIAN, AGED 54 YEARS, S/O DR. THOMAS KURIAN, MAPPIACHERRY VILLA, MAMOOD P.O., CHANGANACHERRY-686 536.
3. P.A.JOHNKUTTY, S/O ITTIAVIRA, KUNNASSERI PUTHENPURAYIL, THOTTECADU, VAKATHANAM P.O., KOTTAYAM DISTRICT

**RESPONDENTS:**

1. STATE OF KERALA, REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.
2. KERALA RAIL DEPARTMENT CORPORATION LTD, TRANS TOWERS, 5TH FLOOR, VAZHUTHACADU, THIRUVANANTHAPURAM-695 054, REPRESENTED BY THE MANAGING DIRECTOR.
3. SPECIAL TAHSILDAR (LA)(SILVER LINE), KOTTAYAM, PIN-686 001.
4. DIRECTOR GENERAL OF POLICE, POLICE HEADQUARTERS, THIRUVANANTHAPURAM, PIN-695 010
5. THE RAILWAY BOARD, INDIAN RAILWAYS , RAIL BHAVAN, RAISANA ROAD, NEW DELHI-110 001, REPRESENTED BY ITS CHAIRMAN
6. THE UNION OF INDIA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF RAILWAYS, RAIL BHAVAN, RAISANA ROAD, NEW DELHI-110 001

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim order staying all further proceedings of erecting concrete structures with marking "K-Rail" in the properties of the petitioners and taking possession of the properties basing on Exhibit P6 notification, pending disposal of the Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 09.06.2022 and upon hearing the arguments of M/S.O.V.MANIPRASAD & S.SHIV SHANKAR, Advocates for the petitioners, SPECIAL GOVERNMENT PLEADER for R1, R3 & R4, SRI.RAMESH BABU, SENIOR ADVOCATE along with SRI.A.DINESH RAO, STANDING COUNSEL for R2, M/S.S.RADHAKRISHNAN & C.DINESH, Advocates for R5 and of SRI.S.MANU, ASSISTANT SOLICITOR GENERAL OF INDIA for R6, the court passed the following:

**DEVAN RAMACHANDRAN, J.**

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**W.P. (C) Nos. 30567/2021, 975/2022,  
1574/2022, 2847/2022, 2913/2022, 3733/2022,  
4043/2022 & 9341/2022**  
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**Dated this the 26<sup>th</sup> day of July, 2022**

**ORDER**

The Railway Board of the Union of India has filed pleadings before this Court, through the learned Assistant Solicitor General of India, that they had neither approved nor concurred with the Social Impact Assessment (SIA) and Survey being done by the Kerala Government, under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; but that they have no role to play in it. However, very pertinently, they say that, if the Kerala Railway Development Corporation Ltd., being a company, is involved in the SIA and spends its own funds for the said purpose, such involvement and expenditure will be at their own risk and responsibility.

2. The importance of the afore statements

cannot be lost sight of, but I leave it there for the time being.

3. Sri.T.B.Hood - learned Special Government Pleader, requested that he be given two weeks time to place on record the details regarding the SIA and Survey and the stages at which they are presently in.

4. Sri.Muhammed Shah and Sri.M.R.Rajesh - learned counsel for the petitioners in these matters, submitted that no further SIA can be taken forward, since the six month period has expired from the date on which the notifications for the said purpose had been issued.

5. As I have said above, this Court is in the process of delivering judgment in this matter and require every relevant input be made available.

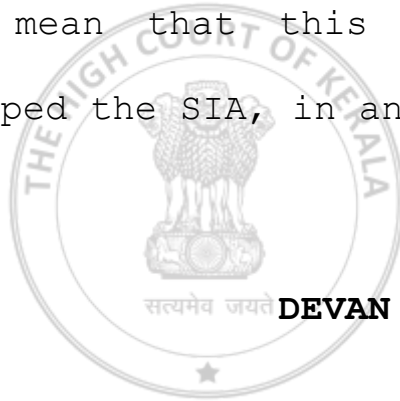
6. In the afore circumstances, I adjourn this matter to be called on 10.08.2022; within which time, Sri.T.B.Hood will be at full liberty to file any additional pleadings, which he may choose fit.

7. I, however, record that the undertaking of

the Sri.T.B.Hood that large survey stones have not been used and that any activity with respect to the SIA, even if now continues, is being done only through the Geo-tagging facility.

That said, taking note of the apprehension voiced by Sri.Muhammed Shah, I make it clear that the afore does not mean that this Court has either permitted or stopped the SIA, in any manner.

H/o  
akv



Sd/-

**DEVAN RAMACHANDRAN**  
**JUDGE**