



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Judgement of the Hon'ble High Court in WP(c) No.7585/2018 – complied with – Orders issued.

Local Self Government (RC) Department

G.O.(Rt) No.2294/2018/LSGD Dated, Thiruvananthapuram, 20/08/2018

Read :- Judgement dated 07.03.2018 in WP(c) No.7585/2018 filed by Sri. Paul Prasad and others

ORDER

The Hon'ble High Court in its judgement dated 07.03.2018 in WP(C) 7585/2018 directed Government to dispose Exhibit P4 representation submitted by one of the petitioners, Sri. Paul Prasad, after affording an opportunity of being heard to the petitioner.

2) In Exhibit P4 petition, the petitioner contented that about 19.5 ares of land, owned by the petitioners in WP© No.7585/2018 , in Sy.no. 192/1 at Vilappil Village was acquired for the Vilappil Solid Waste Treatment Plant by Thiruvananthapuram Corporation. The prime request of the petitioner is to give back the land acquired as the waste treatment plant is not functioning now. It has also been requested to rehabilitate the petitioner who have lost the land and to provide job for one of the members of the petitioner's family.

3) In compliance to the direction of the Hon'ble High Court in its order read as 1st paper above, the petitioner was heard in person. At the time of hearing he has reiterated the same pleadings which had raised in Exhibit P4 petition. The petitioner argued that Government would not comply the assurance given at the time of land acquisition, for rehabilitating those who lost their land and giving Government job to one of the members of the petitioners family. But the petitioner has not produced any proof of his claim, for rehabilitating those who lost their land and get job for one of the members of the petitioner family said to have been given by Government at the time of land acquisition. Either the District Collector, Thiruvananthapuram or the Secretary, Thiruvananthapuram Corporation has not reported that Government had given such an assurance at the time of land acquisition. The Deputy Collector (LA), Thiruvananthapuram and the Executive Engineer, Thiruvananthapuram who participated in the hearing also informed that Government had not make such an assurance. The District Collector, Thiruvananthapuram reported that the award amount for the land acquired was received by the petitioner.

4) Government have examined the request of the petitioner in Exhibit P4 petition in the light of the report from the District Collector, Thiruvananthapuram and the Secretary, Thiruvananthapuram Corporation. In village records the ownership of the land , possessed by the petitioner , acquired under Land Acquisition Act for Vilappil Waste Treatment Plant , was transferred in the name of Thiruvananthapuram Corporation and the award amount was received by the petitioner. As per the G.O.(MS) No.387/2000/RD dated 22.12.2000, if the land

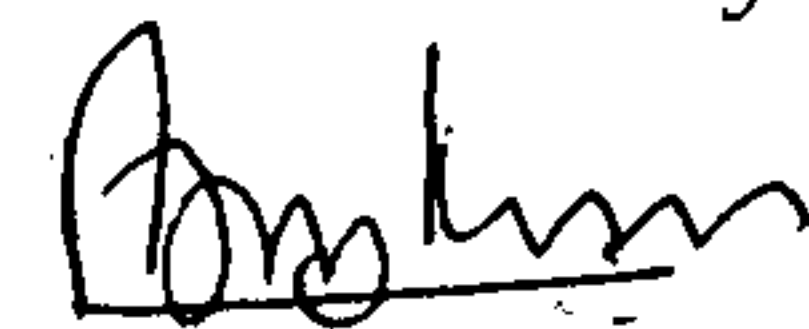
acquired for public purpose is unutilised for the purpose for which the land is acquired, it can be utilised for other purposes. Hence the request of the petitioner to give back the land is not based on facts. The Secretary, Thiruvananthapuram Corporation reported that land acquired for Vilappil Waste Treatment Plant will be utilised for other development projects of the corporation and for the purpose Corporation made necessary allocation in its budget. There is no provision in the Land Acquisition Act for reconveyance of the acquired land. In the circumstances stated above, the request of the petitioner to give back the acquired land, to provide Government job to one of the members of the petitioners family and to rehabilitate those who lost land in connection with the land acquisition for the Vilappil Waste Treatment Plant deserves no consideration. Exhibit P4 representation is disposed accordingly. Thus, the direction of the Hon'ble High Court in the judgment read above is complied with.

(BY Order of the Governor)
Muhammed Riyaz
Deputy Secretary

To

- 1) The Advocate General, Ernakulam (with covering letter)
- 2) Shri. Paul Prasad, TC 19/3014, Harvipuram Lane 1, Peroorkada P.O., TVPM
- 3) The District Collector, Thiruvananthapuram
- 4) The Director of Urban Affairs, Thiruvananthapuram
- 5) The Secretary, Thiruvananthapuram Corporation
- 6) The Director, Information Kerala Mission, Tvpm
- 7) Web & New media, I&PRD
- 8) Stock File/ Office Copy

Forwarded/By order



Section Officer