

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WA.No. 1437 of 2014 () IN WP(C).4059/2011

AGAINST THE ORDER/JUDGMENT IN WP(C) 4059/2011 of HIGH COURT OF
KERALA DATED 18.03.2014

APPELLANT(S)/PETITIONER:-:

ASHOK KURIAN PANJIKKARAN, AGED 27 YEARS
S/O.VARKEY PANJIKKARAN, PANJIKKARAN HOUSE, MEENAKULAM
KAZHAKOOTTAM, VILLAGE, THIRUVANANTHAPURAM.

BY ADVS.SRI.T.V.GEORGE
SRI.JIMMY GEORGE (THADATHIL)

RESPONDENT(S)/RESPONDENTS:-:

1. BHARAT PETROLEUM CORPORATION LTD.,
REPRESENTED BY ITS TERRITORY MANAGER, LPG UNIT
KAZHAKKOOTTAM, TRIVANDRUM.
2. DEPUTY GENERAL MANAGER,
(HRD)BHARAT PETROLEUM CORPORATION LTD.
"BHARAT BHAVAN", 4 & 6, CURRUMBHOY ROAD
BALLARD ESTATE, PB NO.688, MUMBAI - 400 001.
3. DISTRICT COLLECTOR, CIVIL LINES, TRIVANDRUM.
4. SPECIAL TAHSILDAR,
ADDL. LAND ACQUISITION UNIT, CIVIL LINES,
TRIVANDRUM.
5. UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF INDUSTRY
DEPARTMENT OF PUBLIC ENTERPRISES, NEW DELHI.

R1&2 BY ADV. SRI.E.K.NANDAKUMAR (SR.)
R1&2 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
R1&2 BY ADV. SRI.P.GOPINATH
R1&2 BY ADV. SRI.P.BENNY THOMAS
R1&2 BY ADV. SRI.K.JOHN MATHAI
R5 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R3&4 BY ADV.SRI.RAMPRASAD UNNI, SR.GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 04-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

APPELLANT'S ANNEXURES

NIL

RESPONDENTS' ANNEXURES

R1(a) : COPY OF OFFICE MEMORANDUM DATED 03.02.1986 FROM THE
MINISTRY OF INDUSTRY, DEPARTMENT OF PUBLIC ENTERPRISES, BUREAU
OF PUBLIC ENTERPRISES, NEW DELHI.

//TRUE COPY//

PA TO JUDGE.

jg

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
W.A.No.1437 of 2014
.....

Dated this the 4th day of February, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the appellant, the learned senior counsel for respondent Nos.1 & 2, the learned Government Pleader for respondent Nos.3 and 4 and the learned Assistant Solicitor General of India for respondent No.5.
- 2.Ext.P1 shows that certain lands were acquired for a project of the first respondent – Bharat Petroleum Corporation Limited – from Mr Thomas Panjikaran. Mr Varkey Panjikkaran is shown as the power of attorney holder of Mr Thomas Panjikkaran, as per Ext.P1 award notice. Appellant is the son of Mr Varkey Panjikkaran. It appears that relying on Ext.P2 issued by the Ministry of Industry, Department of Public Enterprises, Government of India on 03.02.1986, Mr Varkey Panjikkaran's wife Mrs Philomina George claimed appointment by way of rehabilitation. Later, Mr Varkey

Panjikkaran's daughter Ms Ambili Monica Panjikkaran claimed appointment. Both those claims saw their Waterloo through the common judgment rendered by the Division Bench of this Court on 06.08.2003 in WP(C) No.4102 of 2001 and connections. It was held by the Bench that Mrs Philomina George's claim was duly considered and rejected and there was no reasoning to interfere with it. The claim of Ms Ambili Monica Panjikkaran was also rejected by the Division Bench holding that the plea was highly belated and that apart, the claim of the mother having been rejected, it cannot be taken that the availability of any appointment could be treated as hereditary right. That judgment, as already noted was rendered on 06.08.2003. The writ petition from which this appeal arises was filed in 2011 by Mr Varkey Panjikkaran's son Mr Ashok Kurian Panjikkaran, who going by the relevant data, would have been one year old, at the time of the acquisition. The learned single Judge refused to interfere at the instance of that person stating that the earlier decisions are binding on him as well and following those judgments, even independently, it has to be concluded that there is no right now

available to make a claim for appointment. Notwithstanding the above, we have also to note that in relation to a project which had concluded long ago there can be no scheme of rehabilitation yet to be pending to be operated, unless it is shown that within a reasonable time of dispossession in pursuit of land acquisition somebody has been left without rehabilitation. We see this because rehabilitation is something which is conceived in the context of certain facts situation affecting individuals, families or groups. At this distance of time, the learned single Judge was fully justified in rejecting the claim of the petitioner. We see no error or legal infirmity in the reasoning clauses that have led to the impugned judgment. This writ appeal, therefore, fails.

In the result, this writ appeal is dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)