

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C) .No. 2788 of 2013 (W)

PETITIONER(S) :

M.M.BABU,
S/O.MATHEW, MALERIL, PERINGOL KARA,
IKKARANADU NORTH VILLAGE,
KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.

BY ADVS.SRI.T.K.KOSHY
SMT.V.V.RISANI.

RESPONDENT(S) :

-
1. STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT (R.C) ,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
 2. THE DISTRICT COLLECTOR,
ERNAKULAM, CIVIL STATION, KAKKANAD,
KOCHI-30.
 3. THE CORPORATION OF KOCHI,
REPRESENTED BY SECRETARY,
ERNAKULAM, KOCHI-11.
 4. THE SPECIAL TAHSILDAR (L.A) ,
CORPORATION OF KOCHI, VYTILA, KOCHI-19.

R3 BY SRI.BABU KARUKAPADATH, SC, COCHIN CORPORATION,
BY OVERNMENT PLEADER SMT. K.A.SANJEETHA &
BY SRI.P.K.SOYUZ, SC, COCHIN CORPORATION.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE REPRESENTATION DTD.27.3.2008 SUBMITTED BEFORE THE 4TH RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE LETTER DTD.29.03.2008 OF THE 4TH RESPONDENT ADDRESSED TO THE PETITIONER.

EXHIBIT P3: TRUE COPY OF THE REPORT DTD.10.04.2008 OF THE 4TH RESPONDENT ADDRESSED TO THE 2ND RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE LETTER DTD.08.05.2008 OF THE 2ND RESPONDENT ADDRESSED TO THE 3RD RESPONDENT.

EXHIBIT P5: TRUE COPY OF THE LETTER DTD. 31.5.2008 OF THE 4TH RESPONDENT ADDRESSED TO THE 3RD RESPONDENT

EXHIBIT P6: TRUE COPY OF THE REPRESENTATION DTD.07.12.2009 SUBMITTED BEFORE THE 2ND RESPONDENT

EXHIBIT P7: TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P8: TRUE COPY OF THE REPRESENTATION DTD.16.02.2010 SUBMITTED BEFORE THE 3RD RESPONDENT.

EXHIBIT P9: TRUE COPY OF THE REPRESENTATION DTD.19.5.2011 SUBMITTED BEFORE THE MAYOR, CORPORATION OF KOCHI.

EXHIBIT P10: TRUE COPY OF THE REPRESENTATION DTD.04.01.2013 SUBMITTED BEFORE THE MAYOR, CORPORATION OF KOCHI.

EXHIBIT P11: TRUE COPY OF THE NEWSPAPER REPORT DTD.19.01.2013 IN THE HINDU.

EXHIBIT P12: TRUE COPY OF THE LETTER DATED 08/06/2009 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.

EXHIBIT P13: TRUE COPY OF THE LETTER DATED 31/08/2011 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

ANNEXURE R1(A) : A TRUE COPY OF THE RELEVANT PAGE OF THE DESPATCH REGISTER.

ANNEXURE R1(B) : A TRUE COPY OF THE GO(MS)NO.182/12RD DATED 03/05/2012.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J

WPC No.2788 of 2013

Dated this the 21st day of July, 2015

JUDGMENT

The petitioner has approached this Court seeking a direction to the respondent to acquire or purchase the petitioner's property for providing a Solid Waste Treatment Plant at Brahmapuram.

2. The petitioner alleges that an extent of 55 cents of property belonging to the petitioner alone was left unacquired by the third respondent Corporation for the Waste Management Plant. He alleges that he cannot enjoy the property as he has no access to his property. He alleges that in spite of the recommendation for the acquisition or bilateral agreement for the purchase of the property, the respondents are not taking any action.

3. Today when the matter came up for hearing, the learned counsel for the petitioner made available to me a copy of G.O.(Rt) No.4257/14/RD dated 1.9.2014 issued by the Revenue (B) Department which makes it clear that the

District Collector, Ernakulam as per letter No.C3-79061/13 requested sanction for negotiated purchase of 22.25 Ares of land comprised in Sy.No.1/3 of Puthencruz village for Solid Waste Treatment Plant for the respondent Corporation at Brahmapuram in Ernakulam District. The order makes it clear that the Government have examined the matter and accorded sanction to the District Collector for negotiated purchase of 22.25 Ares of land comprised in Sy.No.1/3 of Puthencruz village in Ernakulam District.

In the light of the above, this writ petition is disposed of directing the District Collector, Ernakulam as well as respondent Corporation respectively to proceed with the formalities for negotiated purchase and to complete the same within a period of three months from the date of receipt of a copy of this judgment.

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE