

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 17580 of 2004 (P)

PETITIONER :

**M. RAMASWAMY IYER,
AGED 70 YEARS, SON OF MAHADEVA IYER,
RESIDING AT, T.C.15/2001, WOMEN'S COLLEGE LANE,
TRIVANDRUM-695 014.**

BY ADV. SRI.K.L.NARASIMHAN

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT, SECRETARIATE
TRIVANDRUM.**
- 2. EXECUTIVE ENGINEER,
IRRIGATION DIVISION, THIRUVANANTHAPURAM.**
- 3. DISTRICT COLLECTOR,
VANCHIYOOR, TRIVANDRUM.**

***ADDL. R4 IMPEADED**

***ADDL.R4. THE PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN – 695 001.**

***ADDL. R4 IS SUO MOTU IMPEADED AS PER JUDGMENT DATED 07/07/2015.**

R1 TO R3 & ADDL. R4 BY GOVT. PLEADER SRI. S. JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 17580 of 2004 (P)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF NOTICE OF PASSING AWARD WITH NOTICE.

EXT.P2 TRUE COPY OF LETTER FROM SECOND RESPONDENT TO THE
PETITIONER DATED 29/8/90.

EXT.P3 TRUE COPY OF REPRESENTATION BY THE PETITIONER BEFORE THE
FIRST RESPONDENT DATED 21-1-2004.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J

W.P(C) No. 17580 of 2004

Dated this the 07th day of July, 2015

J U D G M E N T

The petitioner is the owner of a residential plot in survey No. IS 90/7/18 of Nemom village. In 1987, it is stated that a protective bund was constructed by the Irrigation Department of the PWD Division on the Karamana River and a strip of land measuring 1.40 Ares was acquired from the petitioner's property to put up a ring road. A sum of Rs.26,857.70 was awarded in lieu of the acquisition which is evident at Ext.P1. The said amount is said to have been deposited before the Sub Court, Trivandrum by the Special Land Acquisition Officer, P.W.D, South Circle, Thiruvananthapuram, as compensation in L.A No.29/1987 dated 1.8.1987. However, the said land was not used for the construction of the road and it remained as such.

2. On 29.08.1990 a communication at Ext.P2 was addressed by the Executive Engineer to the petitioner informing

him that the said land is no more required and the petitioner could seek re-assignment of the property. The petitioner made an application before the Principal Secretary, Department of Revenue as seen at Ext.P3. The petitioner categorically stated that the award amount deposited before the Sub Court has not been withdrawn. The petitioner also undertook to pay the cost of the land as determined by the District Collector. In such circumstance, it is only appropriate that if the land still lies without any perceivable intention of utilisation; then, the petitioners' application be considered.

3. The Principal Secretary shall issue notice to the Executive Engineer, Irrigation Division, Thiruvananthapuram and after getting a report of the cost of the land as assessed by the District Collector, shall consider the application of the petitioner. The petitioner shall appear before the Principal Secretary, Department of Revenue, Government of Kerala, Government

Secretariat, Thiruvananthapuram Pin. 695 001, who is suo motu impleaded as the additional 4th respondent in the writ petition, on 21.07.2015. The petitioner shall produce the certified copy of the judgment and the copy of this writ petition along with the documents, before the additional respondent and also make a formal application for re-assignment of land. The additional respondent shall consider the same and pass appropriate orders at any rate, within period of six months from the date of appearance of the petitioner after affording an opportunity of personal hearing.

Writ petition is disposed of as above.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge