

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 5180 of 2015 (V)

PETITIONERS:

1. K.SURENDRAN NAIR,
S/O.KUTTAN, PRESIDENT, GANDHIMANDIRAM,
KAIMANAM, PAPPANAMCODE, THIRUVANANTHAPURAM
PIN-695018.
2. KAIMANAM PRAKASH,
S/O.APPUKUTTAN NAIR, KOCHUVILAKOM, KAIMANAM(PO),
THIRUVANANTHAPURAM, SECRETARY, GANDHIMANDIRAM,
KAIMANAM, PAPPANAMCODE, THIRUVANANTHAPURAM,
PIN-695018.

**BY ADVS.SRI.GOPAKUMAR R.THALIYAL
SRI.V.ANIRUDHAN NAIR**

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN-695001.
2. THE SECRETARY TO GOVERNMENT,
TRANSPORT(A) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695001.
3. THE CHAIRMAN & MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM, PIN-695018.
4. THE DISTRICT COLLECTOR,
COLLECTORATE, KUDAPPANAKUNNU, THIRUVANANTHAPURAM
PIN-695022.
5. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, NH DIVISION,
THIRUVANANTHAPURAM, PIN-695016.

**R1,2,4,5 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
R3 BY SRI.M.GOPIKRISHNAN NAMBIAR, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1	TRUE COPY OF THE REPRESENTATION DATED 07.07.2014
EXT.P2	TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT DATED 23.09.2014
EXT.P3	TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT DATED 18.12.2014
EXT.P4	TRUE COPY OF THE REPRESENTATION DATED 23.12.2014.
EXT.P5	TRUE COPY OF THE COMMUNICATION DATED 27/5/15 ISSUED BY THE SPECIAL TAHSILDAR TO THE PETITIONERS
EXT.P5	TRUE COPY OF THE GOVERNMENT ORDER DATED 26/9/15
EXT.P6	TRUE COPY OF THE GOVERNMENT ORDER DATED 26/9/15
EXT.P7	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS DATED 28/11/15

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.Muhamed Mustaque, J.

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W.P.(C)No.5180 of 2015

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Dated this the 10th day of December, 2015.

JUDGMENT

1. Petitioners are the President and Secretary of Gandhimandiram, Thiruvananthapuram. The property belonging to Gandhimandiram has been acquired for the road widening purposes. Petitioners approached this court to implement Exts.P2 and P3 orders of the Government, whereby Government ordered to allot space to Gandhimandiram in a land belonging to Kerala State Road Transport Corporation. Petitioners want implementation of the same.
2. Learned counsel for the KSRTC submits that they have objection in allotting space to the petitioners and they have already communicated their grievance to the Government.
3. This court is of the view that, if the petitioners' land has been

acquired, it is for the Government to compensate or find out an alternative place. If KSRTC is not willing to release their land, the Government cannot ask KSRTC to allot space for the petitioners. The Government shall reconsider the matter for allotment of land in any other Government land to the petitioners.

In the light of the abovementioned facts and circumstances of the case, this writ petition is disposed of directing the 1st respondent to consider Ext.P7 representation submitted by the petitioners and pass orders thereon, within a period of two months, after hearing the petitioners.

Muhamed Mustaque, Judge.

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