

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 21075 of 2014 (H)

PETITIONERS:

- 1. MATHAI MATHAI, AGED 55 YEARS
S/O. THOMMAN MATHAI, NJALLANIYIL HOUSE, EDATHICAVU
CHATHANTHARA P.O., KOLLAMULA VILLAGE
PATHANAMTHITTA DISTRICT-686510.**
- 2. ALEX MARSHAL, AGED 42 YEARS
S/O. ALEXANDER MATHEW, THEVARVELIL HOUSE, EDATHICAVU
CHATHANTHARA P.O., KOLLAMULA VILLAGE
PATHANAMTHITTA DISTRICT-686510.**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF POWER
KERALA GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR
COLLECTORATE, PATHANAMTHITTA-689645.**
- 3. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VYDHUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-695004.**
- 4. THE PROJECT MANAGER (EXECUTIVE ENGINEER)
PERUNTHENARUVI SMALL HYDEL PROJECT
KERALA STATE ELECTRICITY BOARD, RANNY, PERUNADU
PERUNADU P.O., PATHANAMTHITTA DISTRICT-689711.**
- 5. THE SPECIAL TAHSILDAR (L.A.GENERAL)
PATHANAMTHITTA-689645.**

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6. THE VILLAGE OFFICER

**VILLAGE OFFICE, KOLLAMULA, CHATHANTHARA P.O.
KOLLAMULA VILLAGE, PATHANAMTHITTA DISTRICT-686 510.**

**R1, R2, R5 & R6 BY GOVERNMENT PLEADER SRI. GIKKU JACOB
R3 & R4 BY ADVS. SRI.K.M.SATHYANATHA MENON, SC, KSEB
SRI. SAJEEVKUMAR K.GOPAL,SC,KSEB**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXHIBIT P1- COPY OF LAND TAX RECEIPT DATED 17-10-2013 RELATING TO THE PROPERTY OF THE FIRST PETITIONER.**
- EXHIBIT P2- COPY OF LAND TAX RECEIPT DATED 08-07-2014 RELATING TO THE PROPERTY OF THE 2ND PETITIONER.**
- EXHIBIT P3- COPY OF THE ORDER NO. B.O.(FM) NO. 3097/2009 (GPCI/128/2004) DATED 03-12-2009 ALONG WITH ANNEXURE.**
- EXHIBIT P4- COPY OF THE NOTICE NO. B-2543/12 DATED 26-02-2014 ISSUED BY THE 5TH RESPONDENT.**
- EXHIBIT P5- COPY OF THE COMMUNICATION DATED 12-05-2014 ISSUED BY THE 4TH RESPONDENT TO THE FIRST PETITIONER.**
- EXHIBIT P6- COPY OF REPRESENTATION DATED 19-05-2014 SUBMITTED BY THE PETITIONERS TO THE 2ND RESPONDENT.**
- EXHIBIT P7- COPY OF RECEIPT DATED 31-05-2014 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT AFTER RECEIVING EXHIBIT P6.**
- EXHIBIT P8- COPY OF THE REPRESENTATION DATED 04-06-2014 SUBMITTED BY THE PETITIONERS ALONG WITH ANOTHER BEFORE THE 2ND RESPONDENT.**
- EXHIBIT P9- COPY OF THE REPORT DATED 08-07-2014 SUBMITTED BY THE 6TH RESPONDENT ALONG WITH LAND VALUE ASSESSMENT STATEMENT, LOCATION SKETCH ALONG WITH MAHAZARS.**
- EXHIBIT P10- COPY OF THE MINUTES DATED 12-03-2012 OF THE MEETING OF THE PURCHASE COMMITTEE.**
- EXHIBIT P11- COPY OF ORDER NO. KWA/JB/SU/13836/10 DATED 10-05-2012.**
- EXHIBIT P12- COPY OF SALE DEED NO. 1828/2012 DATED 25-08-2012.**
- EXHIBIT P13- COPY OF THE COMMUNICATION DATED 30-06-2014 ISSUED BY THE 4TH RESPONDENT TO THE 2ND PETITIONER.**
- EXHIBIT P14- COPY OF THE REPRESENTATION DATED 05-07-2014 SUBMITTED BY THE 2ND PETITIONER TO THE 4TH RESPONDENT.**
- EXHIBIT P15- COPY OF REPRESENTATION DATED 16-07-2014 SUBMITTED BY THE PETITIONERS TO THE 2ND RESPONDENT.**
- EXHIBIT P16- COPY OF REPRESENTATION DATED 19-07-2014 SEND BY THE PETITIONERS TO THE 2ND RESPONDENT.**

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RESPONDENT(S)' EXHIBITS:-

EXHIBIT R3(a)- COPY OF THE ORDER G.O. RT. NO. 463/05/PD DATED 15.12.2005 OF THE GOVERNMENT.

EXHIBIT R3(b)- COPY OF THE COMMUNICATION DATED 18.11.2011 SENT BY THE 2ND PETITIONER

EXHIBIT R3(c)- COPY OF THE ORDER G.O. RT. NO. 5867/12/RD DATED 15.10.2012 OF THE GOVERNMENT

EXHIBIT R3(d)- COPY OF THE NOTIFICATION DATED 28.12.2013

EXHIBIT R3(e)- COPY OF THE LETTER DATED 4.6.2014 SUBMITTED BY THE 2ND PETITIONER TO THE 4TH RESPONDENT

EXHIBIT R3(f)- COPY OF THE COMMUNICATION DATED 2.6.2014 SENT BY THE BOARD TO THE 2ND RESPONDENT

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 21075 OF 2014

Dated this the 06th day of February, 2015

JUDGMENT

The principal prayer in the writ petition is for a direction to convene a meeting of the District Level Purchase Committee constituted for Perunthenaruvi Small Hydro Electric Project. The petitioners also seek a declaration that they are entitled to get land value as fixed in Exts. P9 report, P10 minutes and P11 proceedings.

2. The respondents 3 and 4 have filed a counter affidavit wherein it is inter alia averred as follows:-

“KSEB Ltd. is willing to purchase the land of petitioners based on price fixed by the District Level Purchase Committee headed by the District Collector based on negotiation and valuation report by the Land Acquisition wing of the Collectorate. The Board is willing to pay any reasonable increase from the price fixed in 2009 based on increase in value and is willing to accept the price fixed by the District Level Purchase Committee.”

3. Ext. P16 representation put in by the petitioners in this regard is pending with the second respondent. I direct the

second respondent to consider Ext. P6 representation with notice to the petitioners and the fourth respondent. The needful shall be done within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS