

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 23362 of 2014 (U)

PETITIONER:

V.P. SUBRAMANIAN, AGED 57,
S/O. LATE V.N. PARAMESWARAN,
KERALA COFFEE HOUSE
VALIYAPARAMBIL HOUSE,
EROOR P.O., TRIPUNITHURA PIN - 682 306.

BY ADVS. SRI. VARGHESE C. KURIAKOSE
SRI. P.J. JOSE

RESPONDENTS:-

1. STATE OF KERALA, REP. BY SECRETARY,
DEPT. OF REVENUE, SECRETARIAT,
TRIVANDRUM - 695 001.
2. LAND REVENUE COMMISSIONER,
STATE OF KERALA, PUBLIC OFFICE BUILDING,
MUSEUM JUNCTION, TRIVANDRUM - 695 001.
3. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT,
CIVIL STATION, ERNAKULAM - 682 030.
4. THE SPECIAL TAHSILDAR,
L.A, RAILWAYS, KARSHAKA ROAD,
ERNAKULAM, KOCHI - 682 016.
5. THE TRIPUNITHURA MUNICIPALITY,
MUNICIPAL OFFICE, LAYAM ROAD, TRIPUNITHURA
REPRESENTED BY ITS SECRETARY, PIN - 682 301.
6. THE CHAIRMAN, TRIPUNITHURA MUNICIPALITY,
MUNICIPAL OFFICE, LAYAM ROAD,
TRIPUNITHURA, PIN - 682 301.
7. THE ROADS AND BRIDGES DEVELOPMENT CORPORATION OF KERALA LTD.,
2ND FLOOR, PREETHI ROAD, M.V. ROAD
PALARIVATTOM, KOCHI - 25
REPRESENTED BY ITS MANAGING DIRECTOR.

R5 & 6 BY ADV. SRI. V.M. KURIAN, SC, TRIPUNITHURA MUNICIPALITY
R7 BY ADV. SRI. M. VIJAYA KUMAR, SC, RBDCK
R1-R4 BY ADV. SRI. K.A. JALEEL, ADDL. ADVOCATE GENERAL
R BY GOVERNMENT PLEADER SRI. JOE KALLIATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE PHOTOSTAT COPY OF THE DISABILITY CERTIFICATE ISSUED BY THE DISTRICT MEDICAL BOARD, ERNAKULAM DATED 20.03.2014.
- EXHIBIT P2 TRUE PHOTOSTAT COPY OF THE REPRESENTATION TO THE 3RD RESPONDENT ON 01.12.2009 SUBMITTED BY THE ACTION COMMITTEE.
- EXHIBIT P3 TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED 25.01.2010 ISSUED TO THE PETITIONER.
- EXHIBIT P4 TRUE PHOTOSTAT COPY OF THE NOTICE DETAILED CLAIM STATEMENT CUM OBJECTION WAS GIVEN BY THE PETITIONER ON 21.06.2013.
- EXHIBIT P5 TRUE PHOTOSTAT COPY OF THE NOTICE DATED 04.06.2013 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P6 TRUE PHOTOSTAT COPY OF THE PROCEEDINGS OF THE LAND REVENUE COMMISSIONER DATED 12.09.2013.
- EXHIBIT P7 TRUE PHOTOSTAT COPY OF THE GO(MS)NO.419/11 RD DATED 15.11.2011
- EXHIBIT P8 TRUE PHOTOSTAT COPY OF THE GO(MS)NO.182/12 RD DATED 03.05.2012.
- EXHIBIT P9 TRUE PHOTOSTAT COPY OF THE DETAILED REQUEST DATED 25.02.2014 TO THE RESPONDENTS.
- EXHIBIT P10 TRUE PHOTOSTAT COPY OF THE LETTER DATED 04.04.2014 ISSUED TO THE PETITIONER.
- EXHIBIT P11 TRUE PHOTOSTAT COPY OF THE REQUEST UNDER SECTION 6 OF THE RIGHT TO INFORMATION ACT DATED 27.08.2014.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 28th day of May, 2015

JUDGMENT

The petitioner asserts that his father was a tenant of the premises which was acquired by the government. The Land Revenue Commissioner by Ext.P6 proceedings accorded sanction for land acquisition subject to the rehabilitation scheme. Ext.P7 rehabilitation and resettlement package inter alia states as follows:

“Tenants in occupation for a minimum of 3 years who lose their source of income will be paid a one time allowance. Road side vendors and other small scale industries shall be covered in this category”.

2. The petitioner is one among the legal heirs of the deceased tenant. The siblings of the petitioner are also entitled to a share in the compensation amount. It is only appropriate that the petitioner moves the fifth respondent municipality with a detailed representation. The municipality shall put the petitioner and the siblings to notice and pass appropriate orders. The needful shall be done within a period of one month from the

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date of receipt of a copy of this judgment. Whether the petitioner as the alleged occupant of the premises at the time of eviction is entitled to preference shall also be considered in the proceedings.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd