



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Kerala Panchayat Building Rules 2011 - Judgment dated 01/12/2020 of Hon'ble High Court of Kerala in W.P. (C) No.26366/2019, 12045/2020 filed by National Builders & Sri. Pascal.V.J. & others - Technical Expert Committee for Cheranalloor Grama Panchayat - Reconstituted - Orders issued.

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No.111/2021/LSGD.

Dated, Thiruvananthapuram, 16.01.2021

Read: - 1. G.O. (Rt) No.551/2019/LSGD dated 7/3/2019.
2. Judgment dated 01/12/2020 of Hon'ble High Court of Kerala in W.P. (C) No. 26366/2019, 12045/2020 filed by National Builders & Sri.Pascal .V.J. & others.
3. Letter No.PAN/136/2021-C6(DP) dated 4.1.2021 of Director of Panchayats, Thiruvananthapuram.

ORDER

As per the Government Order read above, a Panchayat Level Technical Expert Committee was constituted in Cheranalloor Grama Panchayat with the following members in accordance with sub rule (13) of Rule 12 of Kerala Panchayat Building Rules 2011.

1. Smt. Mallika V.R. Secretary, Cheranalloor Grama Panchayat – Convenor
2. Smt. Rachael Benjamin.V, Assistant Engineer, LSGD
3. Smt. Sukanya O.S., Registered Engineer -A, under Department of Urban Affairs,
4. Sri. P.A. George Varghese, Registered Supervisor-A, under Department of Urban Affairs.

2. The Committee was constituted as per the direction in the judgment dated 10/1/19 of the High Court in W.P.(C) No.39438/18 to assess the damages, suggest protective measures and fix the compensation of the building of the party, respondents in the WP(C). The Hon'ble Court states that the constitution of the committee assessed the loss to the petitioners in WP(C) No.12045/2020. The constitution of the committee and Ext. P11 proceedings are challenged by the builder in W.P.(C) No.26366/19 claim that they suffered loss. A mechanism has been provided as per the Rule 12 of Kerala Panchayat Building Rule to redress the grievances of the persons consequent upon any damages suffered by them. But the Hon'ble Court observed that the composition of the above Committee is against the prescription under Sub Rule (13) of Rule 12 of Kerala Panchayat Building Rules.

The Expert must have professional experience, One expert as Structural Engineer and other as Geo-technical Engineer. In this case, Smt. Sukanya.O.S. and Sri.P.A. George Varghese are Civil Engineers. Nothing has been mentioned about their professional competency, to become members of the Committee. Unless and until the nominees are professionally recognized; One as a Structural Engineer and other as Geo-technical Engineer, they cannot form part of the Committee. It is appropriate that the Government also defines the qualification of a Structural Engineer and Geo-technical Engineer through the appropriate orders. Hence, Hon'ble Court feels that Smt. Sukanya.O.S. and Sri.P.A. George Varghese are not competent to constitute a Technical Expert Committee either in the capacity as a Structural Engineer or in the capacity of a Geo-technical Engineers.

3. In the circumstances the Hon'ble Court directed Government to constitute a proper Committee within a period of three weeks. The Committee, thereafter, shall assess the damages, after notice of the petitioners and the Secretary of the Panchayat, within a further period of three weeks.

4. The Director of Panchayats, in his letter read as 3rd paper above, has recommended to constitute the Technical Expert Committee of Cheranalloor Grama Panchayat with experts in Structural as well as Geo-technical Engineering from the Engineering Department of Cochin University of Science and Technology (CUSAT), Kalamassery, for this purpose.

5. Government have examined the matter in detail and are pleased to reconstitute the Technical Expert Committee of Cheranalloor Grama Panchayat constituted as per the Government Order read as 1st paper above, by substituting the experts in Structural as well as Geotechnical Engineer in Cochin University of Science and Technology (CUSAT), Kalamassery, to comply with the direction in the judgment of the Hon'ble High Court. All the other operative part of the Government Order will remain the same.

6. The Government Order, read as 1st paper is modified to the above extent. The direction of the Hon'ble High Court, read as 2nd paper above, is thus complied with.

(By Order of the Governor)

SAJUKUMAR. N

Deputy Secretary to Government

Shri. M.C. Sunny, Managing Partner, National Builders, Sunny Estate,
Mamangalam, Ernakulam 682025.

Shri. Pascal V.J., Variath House, Cheranalloor P.O., Ernakulam-682034.

Shri. Jose. V.J. Variath House, Kanayannoor Taluk, Cheranalloor P.O.,
Ernakulam-682 027

Shri. Joseph P.J., Panackal House, Cheranalloor P.O., Ernakulam – 682 027.

Smt. Raichal Benjamin, Asst. Engineer (LSGD), Cheranalloor P.O., Pin-682 027

Smt. Sukanya O.S., Thenayath House, Cheranalloor P.O., Ernakulam – 682 027

Shri. P.A. George Varhese, Aalayam Building Contractors Ltd. Opp.St.James church,
Cheranalloor P.O., Ernakulam – 682 027.

The Advocate General, Ernakulam. (with C/L)

The Director of Panchayats, Thiruvananthapuram
The Chief Town Planner, Thiruvananthapuram
The Registrar, Cochin University of Science & Technology, Kalamassery, Kochi
The Senior Town Planner, Ernakulam
The Secretary, Cheranalloor Grama Panchayat
The Executive Director, Information Kerala Mission, Thiruvananthapuram.
✓ (for publishing this order in website)
Stock File/ Office Copy.

Forwarded/By Order


Section Officer