



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Thiruvananthapuram Development Authority (TRIDA)- Judgement dated 21/1/2022 in WP(C) No.1005/2021 filed by Sri.K.Rajan before the Hon'ble High Court of Kerala - Complied - Orders issued.

DEPARTMENT

G.O.(Rt)No.1581/2022/LSGD Dated,Thiruvananthapuram, 03-07-2022

- Read 1 G O (Ms.) No.261/76/LA&SWD dated 27/10/1976
2. G.O.(Rt) No.3158/89/LAD dated 18/09/1989
 3. G.O.(Rt) No.4450/92/LAD dated 12/08/1992
 4. G.O.(Rt) No.1665/94/LAD dated 18/04/1994
 5. Judgment dated 13/03/1996 in O.P No.6627/93 filed by Late.K.Sasidharan before the Hon'ble High Court of Kerala,
 6. S1-2647/93/TRIDA number proceedings of TRIDA Secretary dated 07/06/1996
 7. G.O.(Rt) No.830/2007/LSGD dated 17/03/2007
 8. GO (Rt) No.641/2010/LSGD dated 25/02/2010
 9. G.O.(Rt) No.1433/2020/LSGD dated 01/08/2020
 10. Judgment dated 21/01/2022 in W.P.(C) No.1005/2021 filed by Sri.K.Rajan before the Hon'ble High Court of Kerala

ORDER

The Trivandrum Town Planning Trust (predecessor of Thiruvananthapuram Development Authority or TRIDA) executed a Development Plan for Trivandrum Medical College area and acquired an extent of 2.59 hectares of land in Survey Nos. 183-200 of Madathuvilakom village as per paper read as 1 above, for infrastructure development in that area. The land was acquired from various individuals. The acquired land included an extent of 65 cents in the ownership of Late.Devayani. As per the Land Acquisition Award dated 3rd September 1987,

the legal heirs of late. Devayani received an amount of Rs.5,30,150/- as compensation.

2. Smt. Devayani(late) and her legal heirs filed different OP cases against the above mentioned land acquisition proceedings in the Hon. High Court of Kerala. In compliance with the order of the Hon. High Court on several petitions filed by Smt. Devayani(late) and her legal heirs, Government decided to allot 14 cents of land in Survey nos.183/3 in Madathuvilakom village to Smt. Devayani(late), which was included in the Medical College Plan Project Area, on deposit of market price of land by Smt. Devayani(late) and her legal heirs (which worked out to Rs.19,60,000/-) as per papers read as (3), and (6) above. The amount was however not remitted by Smt. Devayani(late) or her legal heirs. Meanwhile, late. Sasidharan, s/o late. Devayani filed another petition O.P.No.6627/93 before the Hon. High Court. The Hon. High Court declined the request in that O.P and directed TRIDA to inform the petitioner to pay the market value within 1 month from the date of intimation as per the judgment read as paper (5) above. It was also ordered that on failure of deposit of market value, TRIDA was entitled to make use of the property for public purpose. Neither Smt. Devayani nor her legal heirs responded. On failure of payment of the said amount within the stipulated time TRIDA, as per paper read as 5 above , utilised the said land for developmental projects and constructed the Vishram Sanketh building for patients coming to RCC and Medical College. TRIDA also built a residential complex to reduce the acute housing crisis in the area, in accordance with Development Authority rules and with the prior approval of Govt as per paper read as 4 above. However, as TRIDA incurred huge liability on account of bank loans, Government accorded sanction to TRIDA for sale of the residential complex vide paper read as (7) above, as per request of TRIDA.

3. The legal heirs of Late. Devayani filed several complaints before many agencies and Government praying that land may be allotted to them. The complainants also alleged that the land acquisition proceedings of TRIDA amounted to action against the SC/ST community. The petitions were examined by Government and requests declined vide order read as (9) above, as no free land was available with TRIDA, except for the land included under the Medical College development plan project of TRIDA. The land identified for the petitioner had already been utilised for development projects.

4. Thereafter Sri. K.Rajan, S/o Late. Devayani filed writ petition WP(C)No.1005/2021 challenging the Govt Order read as (9) above (Ext. P7 of the said writ petition). In the judgment dated 21st January 2022 in the said writ petition (paper read as 10 above) Hon. High Court directed the competent authority in Government to reconsider the matter, after affording an opportunity of being heard to the petitioner and the other legal heirs, and also to the competent officials of TRIDA, and to issue an appropriate fresh orders and to take necessary

action thereon, not later than four months from the date of receipt of a copy of the judgement.

5. In accordance with the said judgment, the petitioner and other legal heirs of Late. Devayani and competent officials of Thiruvananthapuram Development Authority were heard by officers in Government and documents verified. At the time of hearing, the petitioner and legal heirs admitted that they had received the award amount of Rs. 5.3 lakhs in 1987 under the land acquisition proceedings for acquisition of their land, and subsequently another part payment also, proportionate to the extent of their land acquired. They demanded that they be allotted 14 cents of land in the Medical College area as was approved by Government and TRIDA earlier, vide paper read as (3) above. They informed that TRIDA has unused land parcels which could be considered.

6. Town Planner TRIDA submitted that the LA unit of Revenue Department had acquired the land for TRIDA, after payment of compensation, as per the provisions of the then prevailing Land Acquisition Act and as per the approved development plan in GO(Ms) No.26/76/LA&SWD dated 27th October 1976 for development of facilities as part of Area development scheme of Medical College Trivandrum area. Two land parcels, each of 21 cents and 15 cents acquired under the Medical College Sub centre project and in the possession of TRIDA (for which the petitioners have raised claims) are not technically free or vacant, by virtue of directions in G.O. (Rt) No.3158/89/LAD dated 18th September 1989 and G.O (Rt) No.641/2010/LSGD dated 25th February 2010 for completion of the development plan of TRIDA; and on account of the requirement for maintenance of mandatory parking space in compliance with the provisions of Kerala Municipalities Building Rules respectively. Meanwhile, TRIDA has also sought Government approval to complete the Area development scheme of Medical College Trivandrum area under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR 2013) which is currently in force. In the hearing note dated 27th May2022, TRIDA clarified that the land parcels referred to in Exhibit (P6) of the writ petition [DO letter from the then Director SC Department to Secretary TRIDA dated 21/06/19] are not technically free or vacant.

7. In view of the above reasons, Government is not in a position to consider the request of Sri. K.Rajan to reconvey 14 cents of land from the lands in possession of TRIDA, acquired for the Area Development Scheme of Medical College Trivandrum area. The directions of the Hon. High Court in its judgment in W.P(C)No.1005/2021 dated 21st January 2022 are complied with accordingly.

(By order of the Governor)

LEENA N P
JOINT SECRETARY

To:

Secretary, TRIDA

Sri. K.Rajan, Poonthoppil House, T.C 2/521, Madathuvila Lane, Medical College (PO), Thiruvananthapuram(Copy to legal heirs also)

Advocate General, Ernakulam (with Covering letter)

District Collector, Thiruvananthapuram

Director, SC/ST Development Department

Law Department (ST-II 1/49/2022-LAW dated 24/06/2022)

Principal Accountant General(A&E), Kerala, Thiruvananthapuram

Accountant General(GSSA/ERSA), Kerala, Thiruvananthapuram

✓ Executive Director, Information Kerala Mission, Thiruvananthapuram

Stock File/ Office Copy (IA4/15/2021-LSGD)

Forwarded /By order

Signed by Vijitha M B

Date: 03-07-2022 14:15:43

Section Officer