



GOVERNMENT OF KERALA
Abstract

Local Self Government Department-Order in WP(G) No. 27048/2011 filed by Pulikkal Medical Foundation, Medical trust building M.G Road, Ernakulam represented by its Managing Director--Compliance of Court direction --Orders Issued

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(R) No.849/2012/LSGD, Dated, Thiruvananthapuram, 22.3.2012

Read:- Order dated 6.1.2012 in WP(C) NO. 27048/11 filed by Pulikkal Medical Foundation, Medical trust building M.G Road, Ernakulam

ORDER

The Hon'ble High Court in Order dated **6.1.2012** in WP(C) No. **27048/11** filed by Pulikkal Medical Foundation, Medical Trust building M.G Road, Ernakulam, had directed the government (Additional 5th respondent) to consider exhibit P 8 and pass orders in accordance with law, after giving an opportunity of hearing to the petitioner within one month from the date of receipt of copy of the order.

2. Exhibit P8 representation dated 30.11.11 is the request of the petitioner to approve the development permit and building permit for the proposed Medical College at Irumpanam junction at Thrippunithura Municipality subject to the condition that 10 meter width access road will be provided before numbering the building

3. The petitioner was heard in accordance with the direction of the Hon'ble High Court in the presence of Senior Town Planner(Vigilance), Town Planner etc. As per Rule 33 of KMBR 99 for all occupancies other than

Group A1 above 12,000 sq m, the minimum width of access required is 10 m. The proposed Medical College and other ancillary buildings will have a total built up area of 137397.61 sq.m (Total existing + Proposed area is 154643.61 sq m) The minimum width of access required is 10 meter. There is no provision in KMBR to permit building construction on condition that access required would be made available on completion of the project.

4. From the Project site proposed by the Medical College, there are existing 5 roads to the nearest main road. Only 7meter width is available to these roads. To satisfy the KMBR provision, 10 meter road access is to be ensured. Petitioners claim is that for providing access to the plot they have obtained 3.7 ares in Survey No. 198.1 in Irumpanam , Thiruvamkulam village by way of exchange deed executed between the Kerala State Housing Board. But the exchange deed executed on 14.5.2010 was challenged by the Housing Board allottees Association by approaching Civil Court challenging the right of the Kerala State Housing Board to execute the Exchange deed which is still pending before the court.

5. As per the revised draft development plan for Kochi city prepared by Department of Town and Country Planning, road widening proposals are included. It also includes Erroor- Manakkappady from sea port- Airport road with a proposed width of 15 meter. But the Master Plan is not published so far. Hence the Road widening by way of land acquisition is necessary. The Municipality proposed to collect the land cost for the road widening by way of land acquisition from the petitioner including rehabilitation cost. Moreover the project with its large investment

(800 crore) and employment potential (3500 people) can be set into motion in the larger interest of the state.

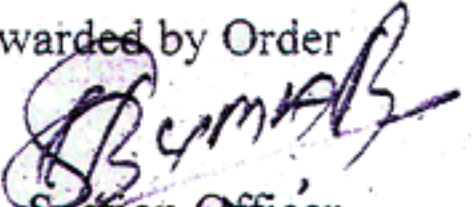
6. In the circumstances Government are pleased to direct the Secretary, Thrissur Municipality to calculate the land acquisition charges required for ensuring 10 meter road width access from the Sea port- Airport Road to the project site, over a 600 meter length based on land value information from Revenue Department and if the petitioner is willing to provide these funds upfront to the Municipality in order to proceed with the acquisition and also gives a written undertaking in stamp paper that the Pulikkal Medical Foundation will meet any future increase in land acquisition cost also ; only in that case building permit can be considered with the further condition that completion certificate (CC) would only be given after the petitioner ensures that 10-meter access to the project site is made available either through this route or through any other.

7. The directions contained in the order read above are thus complied with.

By Order of the Governor
Rajesh Kumar Singh
Secretary

To
Managing Director, Pulikkal Medical Foundation Medical Trust Building
M.G Road, Ernakulam 682016
The Advocate General, Kerala Ernakulam(with covering letter)
Secretary, Thrissur Municipality
Senior Town Planner, Ernakulam.
Chief Town Planner, Thiruvananthapuram.
stock file / O/C

Forwarded by Order


Section Officer