



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Rural Development Department - Request to Accord sanction to prosecute Sri.T.D.Philip, Project Director, PAU, Malappuram - Representation submitted by Sri.Raju.D.Vallikappan - Judgment dated 06.04.2015 of Honourable High Court of Kerala in WP(C)No.3635/2015 - Complied with- Orders issued.

LOCAL SELF GOVERNMENT (ERB) DEPARTMENT

G.O.(Rt).No.2436/2015/LSGD. Thiruvananthapuram,Dated, 06.08.2015

- Read:- (1) Representation dated 20.10.2013 submitted by Sri.Raju.D.Vallikappan to the Chief Secretary.(Exhibit P2)
- (2) Judgment dated 06.04.2015 of Honourable High Court of Kerala in WP(C)No.3635/2015.
- (3) Letter No.UT 364/AB4/2015/KSRRDA dated 06.07.2015 of the Chief Engineer & Chief Executive Officer, KSRRDA, Kerala, Thiruvananthapuram.

ORDER

As per the first paper read above, Sri.Raju.D.Vallikappan submitted a representation with a prayer to accord sanction to the petitioner to prosecute respondents 6 to 9 (T.Usman, S.I. of Police, T.D.Philip, Project Director, PAU, Malappuram, N.Anilkumar, Assistant Executive Engineer, PAU, Malappuram and Vasanthi.K.K, Executive Engineer, PAU, Malppuram) in connection with road work under PMGSY Scheme (Thazhekannath and Pannikunnu Road). In the meantime Sri.Raju.D.Vallikappan has filed WP(C)No.3635/2015 before the Honourable High Court of Kerala praying to direct Government to accord prosecution sanction. As per the judgment read as second paper above, the Honorable High Court of Kerala directed the first respondent, Chief Secretary to Government, to consider and pass orders on Exhibit P2 (Representation submitted by the petitioner) in accordance with law within three months from the date of receipt of copy of the judgment.

Among the respondents in the petition (Ext.P2), Sri.T.D.Philip, Project Director, PAU, Malappuram (Respondent No.7) is the only officer belonging to Rural Development Department.

As per the letter read as 3rd paper above, Chief Engineer, KSRRDA has reported that the Thazhekannath- Pannikkunnu road, package KR-09-50- under PMGSY Scheme is in the approved corner of Wandoor Block in Malappuram District and the DPR for work was prepared in 2008-09 and was sanctioned for a cost of 243.41 lakhs. The work was tendered by KSRRDA and agreement was executed

with the Contractor Sri.V.T.Abdul Majeed on 31.05.2012. The work was completed on 26.03.2014.

The complaint of Sri.Raju.D.Vallikappan is based on the encroachment of land by local people for the construction of PMGSY work. The petitioner's land is situated in the left side of the road alignment. There already existed a village road and its up gradation was done with the PMGSY norms. Generally the required length and width will be made available free of cost by the beneficiaries before commencing the work. In this case also the beneficiaries made available the entire length and width of the road.

The Chief Engineer has also reported that the contractor completed the work and its 2nd year maintenance is going on as per PMGSY norms. Sri.Raju.D.Vallikappan complained that the PIU has forcibly attached some land for the construction. But no such encroachment was done by PIU officers. Nobody other than this petitioner had raised any complaint during and after the completion of the entire road length. The entire length of road had been executed along the track through which estimate has been taken and approved by NRRDA New Delhi subsequently. The road is in very good condition and is used by rural people who are mostly engaged in agriculture for their livelihood. Therefore the allegation against the department officers is baseless and liable to be rejected.

Government have examined the case in detail and are pleased to reject the prayer of the petitioner, (Exhibit P2 representation) to accord prosecution sanction to Sri.T.D.Philip, Project Director, PAU, Malappuram. The judgment dated 06.04.2015 in WP(C)No.3635/2015 of Honourable High Court of Kerala is thus complied with.

By Order of the Governor

T.J.UNNIKRISHNAN
UNDER SECRETARY

To Sri.Raju.D.Vallikappan, S/o.V.D.Vallikappan,Vallikappil House,
Kalkundu Post, Karuvarakundu, Malappuram District.
Advocate General, Kerala, Ernakulam (With C/L)
The Commissioner for Rural Development, Thiruvananthapuram
The Chief Engineer & Chief Executive Officer, KSRRDA, Thiruvananthapuram.
Information Kerala Mission, Thiruvananthapuram
The Stock file/Office copy

Forwarded/By Order



Section Officer