

**GOVERNMENT OF KERALA**  
**ABSTRACT**

Local Self Government Department – Judgment of the Hon'ble High Court in WP(C)No.1912/2018 - Complied with - Orders Issued.

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**LOCAL SELF GOVERNMENT (RC) DEPARTMENT**

G.O.(Rt) No.2043/2018/LSGD

Dated, Thiruvananthapuram, 26.07.2018

Read: 1) Judgment dated 08.02.2018 in WP(C)No.1912/2018 filed by Sri.Antony Thoma Palakkad.

2) Hearing held on 19.06,2018 as per the direction of Hon'ble High Court Judgment dated 08.02.2018.

**ORDER**

The Hon'ble High Court in its judgment dated 08.02.2018 in WP(C)No.1912/2018 directed Government to dispose Exhibit P7 petition dated 07.04.2017, submitted by the petitioner Sri.Antony Thoma, in the light of the observations made by the Hon'ble Ombudsman for Local Self Government Institution, in his order dated 16.12.2015 after affording an opportunities of being heard to the petitioner.

2) In Exhibit P7 petition the petitioner contented that even though the two cents of land in Sy.No.3609, block no.74 of ward no.5 of Palakkad Municipality owned by the petitioner was acquired for the construction of a stadium the construction of the stadium is so far not materialized. He pointed out that certain properties that was initially notified for acquisition for the construction of the stadium was withdrawn as per a notification dated 26.03.1985 while his property was not included in the notification. He also pointed out the order of the Hon'ble Ombudsman for Local Self Government Department dated 16.12.2015 directing Government to consider the claim of the petitioner to assign revenue purampoke land.

3) In compliance to the direction of the Hon'ble High Court in its order read as Ist paper above the petition was heard in person. At the time of hearing he has reiterated the same pleadings which has raised in Exhibit P7 petition. The Secretary, Palakkad Municipality has reported that the 0.0065 hectares of land in Survey No.3609, Block No.74, ward 5 in Palakkad Municipality possessed by the petitioner; was acquired for the construction of an Indoor Stadium and in the village record the land under question has been transferred in the name of Palakkad Municipality. The Secretary Palakkad Municipality has also reported that the land acquired from the petitioner is essentially needed for the construction of the stadium and if it is given back to the petitioner the Municipality will become unable to utilize the other lands acquired for the purpose. The Palakkad Municipality has rejected the request of the petitioner, many times, for allotting alternate land.

4) The Hon'ble Ombudsman for Local Self Government Institutions in its order dated 16.12.2015 uphold the decision taken by Palakkad Municipality ,that is not to return the acquired land to the petitioner and observed that Government can consider a proposal for allotting Government land to the petitioner, if it think so.

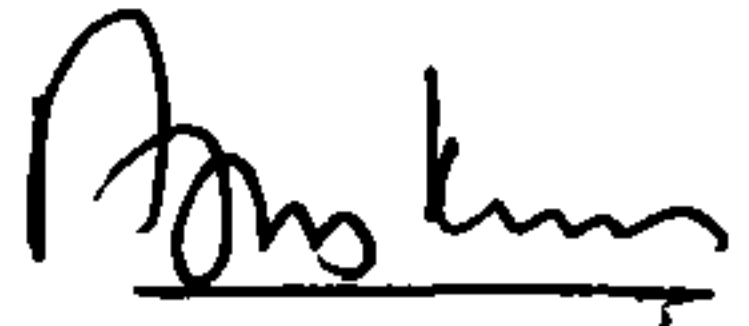
5) Government have examined the request of the petitioner in Exhibit P7 petition in the light of the report from the Secretary Palakkad Municipality and based on the observations of the Hon'ble Ombudsman for the Local Self Government Institutions in its order dated 16.12.2015. The land possessed by the petition is acquired under Land Acquisition Act and in village records the ownership of the land has been transferred in the name of Palakkad Municipality. There is no provision in the Land Acquisition Act for the return of the acquired land to the owner of the land. For considering the request of the petitioner for allotting Government Land, the petitioner has to be a landless person. The Secretary, Palakkad Municipality has reported that the wife of the petitioner has land in the Municipal Area and the petitioner has been running a workshop in the land owned by the Municipality. In the circumstances stated above the the petitioner cannot be granted Government land, considering him as a landless person. Hence the request of the petitioner to allot Revenue Purampoke is rejected. Accordingly the direction of the Hon'ble High Court in the judgment read as I st para above is complied with.

(By Order of the Governor)  
Muhammed Riyaz  
Deputy Secretary

To

The Advocate General, Kerala, Ernakulam( With C/L)  
Shri. Antony Thoma, Palakkad  
The Director of Urban Affairs, Thiruvananthapuram  
The Secretary, Palakkad Municipality  
The Executive Director, Information Kerala Mission, Thiruvananthapouram  
The Director, Information & Public Relations( Web & New Media)  
The Stock File/Office Copy.

Forwarded/ by Order

  
Section Officer.