



GOVERNMENT OF KERALA

Abstract

Revenue Department - Acquisition of land for Thirumala - Thrikkannapuram road in Thiruvananthapuram district - Judgment dated 02/02/2024 of the Hon'ble High Court in WP(c) No. 4329/2024 filed by Smt Selvi & Others - Complied with - Orders issued

REVENUE (B) DEPARTMENT

G.O.(Rt)No.789/2024/RD Dated,Thiruvananthapuram, 29-02-2024

- Read
1. G.O(Ms) No. 419/2011/RD dated 15/11/2011
 2. G.O(Ms) No. 448/2017/RD dated 29/12/2017
 3. Representation dated 30/01/2024 submitted by the Petitioners
 4. Judgment dated 02/02/2024 of the Hon'ble High Court in WP(c) No. 4329/2024 filed by Smt Slevi & Others

ORDER

WP(c) 4329/2024 has been filed by Smt Selvi & Others who are the tenants running commercial establishments on both sides of Thirumala - Thrikkannapuram road. The acquisition took place in two phases. In the 1st phase, as part of acquisition, the Rehabilitation & Resettlement package was offered to the tenants as per G.O(Ms) No. 419/2011/RD dated 15.11.2011 (old package) where an amount of Rs. 2,00,000/- (One time assistance to commercial tenants as specified in Clause (vi) annexure, Rs 36,000/- to employees & Rs 25,000/- as shifting charges was given.

2. In the 2nd phase the tenants running commercial establishments on both sides of Thirumala - Thrikkannapuram road was offered Rehabilitation & Resettlement package as per the new policy issued as per G.O(Ms) No. 448/2017/RD dated 29.12.2017. Here they were offered only Rs. 1,00,000/- (Rs 50,000/- as one time grant & Rs. 50,000/- as one time resettlement allowances.

3. The Hon'ble High Court in the interim order dated 02.02.2024 in WP(c) No. 4329/2024 filed by Smt Selvi & Others has directed the Govt. to take a decision on Ext P7 (Representation dated 30.01.2024) within a period of two months after hearing the petitioner.

4. In compliance of interim order and as authorized by the principal secretary, the Under Secretary heard the petitioners on 24.02.2024 through video conference. The petitioners attended the hearing. The Senior Supt. from CLR & Junior Supt. from Collectorate, Thiruvananthapuram attended the hearing.

5. During the hearing the petitioners raised the discrimination shown to them for not providing the amount of Rs. 2,00,000/- eligible for them as commercial tenants and provided while acquiring the land for the 1st phase. The petitioners stated that their primary source of livelihood is lost and no proper package was offered.

6. Here going through Sl No. 11 of the new policy issued as per G.O(Ms) No. 448/2017/RD dated 29.12.2017, it is noticed that One time assistance of Rs. 2,00,000/- (Rupees Two lakhs only) to meet all shifting charges and social costs needs to be given to the commercial tenants. Provided, such assistance would not be provided to companies,

banks, financial institutions & large shops having a carpet area of more than 2000 sq.ft.

7. The Hearing Officer noticed that in the 1st phase as per the old package issued as per G.O(Ms) No. 419/2011/RD dated 15.11.2011, an amount of Rs. 2,00,000/- was offered to the tenants. In the 2nd phase the tenants running commercial establishments on both sides of Thirumala - Thrikkannapuram road was offered Rehabilitation & Resettlement package as per the new policy issued as per G.O(Ms) No. 448/2017/RD dated 29.12.2017. Here they were offered only Rs. 1,00,000/- (Rs 50,000/- as one time grant & Rs. 50,000/- as one time resettlement allowance).

8. The Hearing Officer noticed that the commercial tenants displaced as part of acquisition of Thirumala - Thrikkannapuram road are eligible for Rs. 2,00,000/- as per Sl No. 11 of G.O(Ms) No. 448/2017/RD dated 29.12.2017. Moreover the said Rs. 2,00,000/- was earlier offered during the Phase I acquisition as per the old package issued as per G.O(Ms) No. 419/2011/RD dated 15.11.2011.

9. Government have examined the matter in detail and hereby accept the findings made by the Hearing Officer and direct the Rehabilitation Commissioner to revise the R&R package issued as per Proceedings No. LR/4492/2022-LR(C2) dated 05.07.2022, as part of acquisition of land for Thirumala - Thrikanapuram road by including Sl No. 11 of G.O(Ms) No. 448/2017/RD dated 29.12.2017 (Rs. 2,00,000/- as One time assistance to the commercial tenants to meet all shifting charges and social costs).

10. The judgment dated 02/02/2024 of the Hon'ble High Court in WP(c) No. 4329/2024 filed by Smt Selvi & Others is hereby complied with.

(By order of the Governor)
ABDUL NASAR B I A S
ADDITIONAL SECRETARY

To:

The Petitioners concerned (Through District Collector)
The Land Revenue Commissioner, Thiruvananthapuram
The District Collector, Thiruvananthapuram
The Accountant General (A&E/Audit) Kerala, Thiruvananthapuram.
The Public Works Department
The I&PR (Web & New Media) Department.
Stock File/Office copy

Copy to : PA to Principal Secretary (Revenue)
CA to Additional Secretary (Revenue)

Forwarded /By order

Section Officer