

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 23RD DAY OF JUNE 2020 / 2ND ASHADHA, 1942

WP(C).No.11317 OF 2020(L)

PETITIONER:

CHANDRAN C.P.
AGED 38 YEARS
S/O.CHATHAN, CHALIKKAL COLONY, MUNDERY P.O.,
CHUNGATHARA, MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.MOHAMMED IQUBAL

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695001.
- 2 THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695001.
- 3 THE PRINCIPAL SECRETARY,
THE KERALA STATE DISASTER MANAGEMENT AUTHORITY,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, PIN-695033.
- 4 THE DISTRICT COLLECTOR,
MALAPPURAM, COLLECTORATE,
MALAPPURAM P.O., PIN-676105.
- 5 THE ZONAL MANAGER,
FEDERAL BANK LIMITED, ZONAL OFFICE,
KOZHIKODE DISTRICT, PIN-673016.

R5 BY ADV. SRI.MADHU RADHAKRISHNAN
SMT.PRINCY XAVIER, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23.06.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is filed seeking the following prayers:-

“(i) Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the respondents to shift the colony of the petitioner to the houses completed by the 5th respondent to Chembankolly for shifting the residents of Chalikkal Colony inn Nilambur Taluk.

(ii) Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the 2nd respondent to consider and pass appropriate orders on Ext.P5 representation filed by the petitioner, within a time stipulated by this Hon'ble Court.”

2. Heard the learned counsel appearing for the petitioner and the learned Government Pleader as well as the learned counsel appearing for the 5th respondent.

3. It is submitted by the learned counsel for the petitioner that houses have been constructed by the 5th respondent for the benefit of the 2019 flood victims. The houses are not been handed over to the beneficiaries due to certain disputes between local politicians. It is submitted that though representations have been submitted before the District Collector as well as the Government, no action has been taken thereon.

4. The learned counsel appearing for the 5th respondent submits that the houses are ready for occupation and that the keys have not been

handed over only due to the confusion as to whom the keys have to be handed over.

5. The learned Government Pleader submits that the delay in rehabilitating the beneficiaries is only due to the Covid-19 pandemic situation and that some time may be required to shift the residences of the beneficiaries to the new project.

6. Having considered the contentions advanced on all sides, I am of the opinion that since the project is complete and the residences are ready for occupation, the continued delay in handing over the keys and giving the benefits to the beneficiaries is completely unjustified. In the above view of the matter, the 5th respondent shall hand over the keys of the project to the District Collector forthwith. The District Collector is directed to take appropriate steps to see that the beneficiaries are rehabilitated to the project as contemplated initially without any further delay. The needful shall be done within a period of three weeks from the date of receipt of a copy of this judgment.

This writ petition is ordered accordingly.

Sd/-

ANU SIVARAMAN

JUDGE

APPENDIX

PETITIONER'S/S EXHIBITS:

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| EXHIBIT P1 | THE TRUE COPY OF THE NEWS REPORT IN
MALAYALA MANORAMA DAILY DATED 8.1.2020. |
| EXHIBIT P2 | THE TRUE COPY OF THE REPRESENTATION FILED
BY THE 5TH RESPONDENT BEFORE THE 4TH
RESPONDENT DATED 7.1.2020. |
| EXHIBIT P3 | THE TRUE COPY OF THE NEWS REPORT IN
MALAYALA MANORAMA DAILY DATED 29.4.2020. |
| EXHIBIT P4 | THE TRUE COPY OF THE NEWS REPORT IN
MALAYALA MANORAMA DAILY DATED 6.6.2020. |
| EXHIBIT P5 | THE TRUE COPY OF THE REPRESENTATION
SUBMITTED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 2.6.2020. |

RESPONDENT'S/S EXHIBITS: NIL