

GOVERNMENT OF KERALA

Abstract

O.P.No.5463/76 High Court-writ petition filed by Shri. Azhakan Karuthakunju and others –
Judgment on – orders passed.

REVENUE (L) DEPARTMENT

G.O.(MS)No.1193/79/RD.

Dated, Trivandrum, 29-9-1979.

- Read:-
1. Judgment of the High Court dated 3-1-1979 in O.P. No.5463/76-A.
 2. Petition dated 31-3-1979 from Shri. Azhakan Karuthakunju, Kuttipurathu Kuzhimavu.
 3. Letter No.Dev.B4-18046/79 dated 20-6-1979 from the Director of Harijan Welfare.
 4. Letter No.G4-24918/79 dated 13-8-1979 from the Chief Conservator of Forests.
 5. Letter No.LRJ8-14081/79 dated 27-8-1979 from the Secretary, Board of Revenue.

O R D E R

In G.O.(MS) No.211/59/L & LAD dated 11-3-1959 an extent of 500 acres of land in Attupara Thavalam Sy. No.1/1 of Kalkoonthal Village in Udumbanchola Taluk was ordered to be transferred to Harijan Welfare Department. The transfer of the land was not effected due to large scale encroachment. In G.O.(MS)291/61/RD dated 22-3-1961 orders were issued to evict the encroachers. Subsequently the District Collector, Kottayam reported to Government that the 500 acres of land falls within the catchment area of the Idukki Project. Therefore order allotting 500 acres of land was cancelled as per G.O.(MS)331/62/RD dated 6-11-1962.

2. In G.O.(MS)39/67/RD. dated 2-2-1967 sanction was accorded for the transfer of 68.94 acres of land in Sy.No.71/1 of Kalkoonthal village, Udumbanchola Taluk for the purpose of establishing a colony. Accordingly the District Advisory Committee selected 30 families on 27-6-1968. But the land was rocky. As a result of this, only 15 families occupied the land. The others deserted the land and left the place.

3. The commitment for allotment of land could not be honoured so far. Several writ petitions were filed before the High Court and orders obtained for consideration of their applications. In O.P.No.5463/76 High Court, Shri. Azhakan Karutha Kunju and two others filed a writ petition before the High Court for allotment of 500 acres of land in Sy. No.1/1 of Attupara Thavalam which was ordered to be transferred to the Harijan Welfare Department for establishing a Harijan Colony as per G.O.(MS)211/59/L&LAD dated 1-3-1959. The High Court by their Judgment dated -1-1979 disposed of the petition with the following observation:

“The minimum that should be made available to the petitioner is a consideration of their applications irrespective of whether Government decides to invite applications or not. Therefore in the event such applications are made by the petitioners or those to whom assurances are said to have been given earlier, within a period of three months from today the Government shall consider such applications are made pursuant to invitation or not”.

The court has also ordered that in case representations are made within that period that should be disposed of within a period of 6 months from the date of such representations and orders duly communicated to the persons concerned. The petitioners have filed petitions in pursuance of the Judgment vide reference second cited. The Government have considered the matter and the Director of Harijan Welfare, Chief Conservator of Forests and Secretary, Board of Revenue have been consulted. It is reported that no assurance has been given to the petitioners that they will be allotted 500 acres of land as claimed by them except an information conveyed that 500 acres of land as available. Even if the land is allotted as originally ordered, there is no assurance that the petitioners in the original petition of the 250 petitioners in the mass petition now filed will get land since the procedure for selecting eligible persons is by inviting applications and selection through the concerned Advisory Committees. This petition is therefore rejected.

By Order of the Governor,
K.N.PADMAVATHY,
Under Secretary to Government.

To

The Chief Conservator of Forests, Trivandrum,

/copy/

Endt.on G4-57303/79 (K.Dis.)

Office of the Chief Conservator of Forests,
Trivandrum, dt.10-10-79.

Copy forwarded to the Conservator of Forests, Trichur and Divisional Forest Officer, Kottayam for information and necessary further action in the matter.

DFO's No.D.7544-78. Sd/-

for Chief Conservator of Forests

Approved for issue,
Superintendent.