

K.K.Devassy Vs. State of Kerala

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Court : Kerala

Decided On : Oct-28-2013

Judge : Honourable Mr. Justice a.V.Ramakrishna Pillai

Appellant : K.K.Devassy

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI MONDAY, THE 28TH DAY OF OCTOBER 2013 6TH KARTHIKA, 1935 WP(C).No. 721 of 2009 (J) ----- PETITIONER(S): ----- K.K.DEVASSY, AGED 60 S/O.KAIPPARY, KAPPITHANPARAMBIL HOUSE, WARD NO.XV, ARATUPUZHA BEACH NARAKKAL. BY ADVS.SRI.K.S.MADHUSOODANAN SRI.T.V.JAYAKUMAR NAMBOODIRI SRI.THUSHAR NIRMAL SARATHY SRI.M.M.VINOD KUMAR SMT.K.M.RAMYA RESPONDENT(S): ----- 1. STATE OF KERALA TO BE REP. BY SECRETARY, REVENUE DEPARTMENT, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, ERNAKULAM.

3. VILLAGE OFFICER, NARAKKAL VILLAGE, OFFICE, NARAKKAL. BY SENIOR GOVERNMENT PLEADER SRI.JAMES MATHEW KADAVAN THIS WRIT

PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-10-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: PJ WP(C).No. 721 of 2009 (J) ----- APPENDIX PETITIONERS' EXHIBITS P1: COPY OF THE APPLICATION TO THE 3D RESPONDENT DATED 22/3/05. P2: COPY OF THE REPRESENTATION TO THE 2D RESPONDENT DATED 14/8/05. P3: COPY OF THE

ORDER

DATED 11/10/08 IN PROCEEDINGS/CC/MC/ST/AS/CMA/EP/LAR/LA OF PLP 27808 OF LOK ADALATH ORGANIZED BY KOCHI TALUK LEGAL SERVICE COMMITTEE RESPONDENTS' EXHIBITS R3: TRUE COPIES OF THE SELECT LIST OF BENEFICIARIES IN THE NARAKKAL GRAMA PANCHAYAT. / TRUE COPY / P.S. TO JUDGE PJ A.V.RAMAKRISHNA PILLAI, J ----- W.P.(C) No.721 of 2009 ----- Dated this the 28th day of October, 2013

JUDGMENT

The petitioner has come up before this Court seeking a direction to the respondents to rehabilitate him under the Tsunami rehabilitation scheme.

2. The petitioner's case is that his house collapsed partially in Tsunami on 26.12.2004 and it was completely collapsed on 10.3.2005. He filed Ext.P1 application seeking assistance in the natural calamity.

3. The petitioner's case is that as he is having 2 cents of land in his name, he is entitled to get Rs.75,000/- which were given to other victims who owned land.

4. In the counter affidavit filed by the respondent State, they took the stand that the petitioner's house did not collapse fully and as per the rehabilitation scheme promulgated by the Government the rehabilitation of Tsunami victim is only by providing residential accommodation and not by giving any financial assistance. WPC No.721 of 2009 2 However, the respondents would admit that the petitioner's name was included in the 2nd Phase of rehabilitation scheme.

5. The learned Senior Government Pleader would submit that the victims who were included in the 2nd Phase of rehabilitation scheme are entitled to get only the residential accommodation.

6. The learned counsel for the petitioner would submit that the residential accommodation provided for the victims under the 2nd phase of rehabilitation scheme are apartments which is not conducive to petitioner's health. The petitioner is aged 63; it was pointed out. So long as the respondents admit that the petitioner is an eligible victim for rehabilitation, taking into account the fact that the petitioner is owning two cents of land, it is only just and proper to extend the monetary benefits, i.e. the payment of Rs.75,000/- to the petitioner for getting himself rehabilitated. Therefore, this writ petition is disposed of directing the first respondent to grant Rs.75,000/- to the petitioner for constructing a house in the property owned by the petitioner. Orders for the same shall be WPC No.721 of 2009 3 issued within a period of three months from today. Needless to say that the petitioner shall utilise the amount only for the purpose of construction of the house and after completion of the residence, he shall produce the utilisation certificate before the first respondent. Failure on the part of the petitioner to utilise the amount as above will entail action on the part of the first respondent to get the same reimbursed from the petitioner. sd/- A.V.RAMAKRISHNA PILLAI JUDGE
css/ true copy P.S.TO JUDGE

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