

Anandan E.G. vs State of Kerala

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Court : Kerala

Decided On : Jan-08-2024

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/37964/2015

Appellant : Anandan E.G.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 8TH DAY OF JANUARY 2024 / 18TH POUSHA, 1945
WP(C) NO. 37964 OF 2015 PETITIONER: ANANDAN E.G. AGED 50
YEARS, S/O. GOVINDAN, EDATHARA HOUSE, P.O., KUZHUKULLY,
NADATHARA, THRISSUR DISTRICT. BY ADV. SRI.NIREESH
MATHEW RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001. 2 DISTRICT COLLECTOR
THRISSUR-680001. 3 REVENUE DIVISIONAL OFFICER THRISSUR-

680001. 4 NADATHARA GRAMA PANCHAYATH P.O.KOZHUKULLY, THRISSUR, REPRESENTED BY ITS SECRETARY-680007. 5 SECRETARY NADATHARA GRAMA PANCHAYATH, P.O.KOZHUKULLY, THRISSUR-680007. BY ADVS. VENUGOPAL V., GOVERNMENT PLEADER SRI.T.C.SURESH MENON SRI.A.R.NIMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 08th day of January, 2024 The petitioner had sold certain lands belonging to him to the beneficiaries identified under a scheme known as Kerala Development Programme, which was implemented through the local Panchayath for the purchase of lands to be distributed among landless persons. The petitioner expressed his interest to offer land under the aforesaid scheme. However, in the meanwhile, Writ Petition Nos.6336 of 2006 and 6738 of 2006 were filed before this Court by two individuals, claiming that the petitioner was illegally converting his land and the said land was being sold under the guise of providing land for landless persons. There was an interim order in those writ petitions against the disbursal of any compensation due to the petitioner. The Writ Petitions were ultimately dismissed on 12.02.2015 by Exts.P4 and P5 judgments. Thereafter, the petitioner was disbursed the compensation under the scheme. It is the case of the petitioner that, since there was a delay in disbursing of the compensation, the petitioner is entitled to compensation under the present Kerala Development Programme.

2. A perusal of the pleadings in the writ petition

indicate that, there is nothing on record to suggest that there was any new Kerala Development Scheme under which the petitioner was entitled to claim any higher amount of compensation for the land, which was sold by the petitioner to the beneficiaries under the scheme which was in force at the relevant time. In the absence of any such records and in the absence of any legal right to claim any

higher amount of compensation, the prayers sought for in the Writ Petition cannot be granted. Mandamus presupposes the existence of a legal right. Therefore, the Writ Petition fails and is accordingly dismissed. Sd/- GOPINATH P. JUDGE NB/8-1 APPENDIX OF WP(C) 37964/2015 PETITIONERS EXHIBITS EXHIBIT P1 PHOTOCOPY OF THE REPRESENTATION DATED 1-2-2006 SUBMITTED BY THE PETITIONER. EXHIBIT P2 PHOTOCOPY OF THE REPORT DATED 1-7-2006 SUBMITTED BY THE AGRICULTURAL OFFICER, NADATHARA. EXHIBIT P3 PHOTOCOPY OF THE REPORT DATED 27-6-2006 OF THE SECRETARY OF KOZHUKULLY PADASEKHARA SAMITHY. EXHIBIT P4 PHOTOCOPY OF THE JUDGMENT DATED 12-2-2015 IN WPC NO. 6336/2006 PASSED BY THIS HON'BLE COURT. EXHIBIT P5 PHOTOCOPY OF THE JUDGMENT DATED 12-2-2015 IN WPC NO. 6738/2006 PASSED BY THIS HON'BLE COURT. EXHIBIT P6 PHOTOCOPY OF THE REQUEST DATED 10-8-2015 SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT. EXHIBIT P7 PHOTOCOPY OF THE ACCOUNT-PAYEE CHEQUE DATED 2- 12-2015 IN FAVOUR OF THE PETITIONER FOR AN AMOUNT OF RS. 1,12,500/- RESPONDENTS EXHIBITS: NIL TRUE COPY P.A. TO JUDGE

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