

Kerala High Court

R.Placid vs Secretary To The Local Self ... on 17 December, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 37245 of 2008(H)

1. R.PLACID, S/O.RABENS, AGED 61,
... Petitioner
2. SANTHAKUMARI AMMA, MATTATHU VEEDU,
3. SAROJINI AMMA, D/O.NANIYAMMA,
4. SATHYPALAN, S/O.NEELAKANTAN,

Vs

1. SECRETARY TO THE LOCAL SELF GOVERNMENT
... Respondent
2. KOLLAM CORPORATION REPRESENTED BY ITS
3. THE DISTRICT COLLECTOR, KOLLAM.
4. VILLAGE OFFICER, SAKTHIKULANGARA.

For Petitioner :SRI. K.SIJU

For Respondent : No Appearance

The Hon'ble MR. Justice PIUS C.KURIAKOSE

Dated :17/12/2008

O R D E R

PIUS C. KURIAKOSE,J.

W.P.(C) No.37245 of 2008

Dated: 17th December, 2008

JUDGMENT

Adv.Mr.C.Unnikrishnan, Standing Counsel takes notice on behalf of the 2nd respondent-Corporation. I have heard the submissions of Mr.Siju Kamalasanan, counsel for the

petitioners and Mr.C.Unnikrishnan.

2. The grievance of the petitioners is that the Corporation is not ready to pay the market price for their properties which are proposed to be acquired/purchased under the direct purchase scheme for the purposes of the Corporation's dumping yard. Counsel for the petitioners submits that the Corporation is willing to pay only the rate which was granted at the time when other portions of their properties were acquired. Standing Counsel for the Corporation submitted that when acquisition is by direct purchase, the price to be paid and received will be a price which is agreeable to the vendor and the vendee. The vendor cannot insist that the vendee should pay the rate demanded by him.

3. I do not propose to go into the merits of the controversy. But since Ext.P6 representation is seen pending before the Secretary of the Corporation, it is only proper that the Secretary of the Corporation calls the petitioners for a discussion regarding Ext.P6 and takes a decision at the earliest. Accordingly, the Writ Petition is disposed of issuing the following directions:

The 2nd respondent, the Secretary of the Corporation is directed to take up Ext.P6 immediately, call the petitioners for a discussion regarding the issue involved in Ext.P6 and take a decision on Ext.P6 at the earliest and at any rate within one month of receipt of a copy of this judgment. Once decision is taken, the petitioners will be informed of the same.

srd

PIUS C.KURIAKOSE, JUDGE