

(2012) 03 KL CK 0228

High Court Of Kerala

Case No: WA No. 561 of 2012 in WPC/14621 of 2011

Lizy George and Kizhakkekara
Lamps and Lightening Pvt. Ltd.

APPELLANT

Vs

The District Industries Centre,
The State of Kerala and M/s. Ajay
Oxygen Pvt. Ltd.

RESPONDENT

Date of Decision: March 21, 2012

Hon'ble Judges: C.N. Ramachandran Nair, J; Babu Mathew P. Joseph, J

Bench: Division Bench

Advocate: Biju Abraham, for the Appellant; George Mecheril, Advocate Government Pleader and Mr. P. Ramakrishnan Advocate For R4, for the Respondent

Judgement

C.N. Ramachandran Nair, J.

Heard learned counsel for the appellants, learned counsel for the 4th respondent and learned Government Pleader for the remaining respondents. The judgment under challenge is one rendered by the learned Single Judge upholding the repossession and allotment of land to 4th respondent on account of appellants' failure to utilize the land for industrial purposes and on account of chronic default in payment of installments. The land allotted to appellants is 18.078 cents on outright sale basis and balance 20 cents on deferred payment basis. Admittedly, the land resumed is 20 cents in respect of which the appellants could not make payments even after allotment made nearly 20 years back.

2. After hearing both sides we feel the appellants are entitled to a limited relief i.e. a direction to the Industries Department to ensure that the road access and gate to the 18.078 cents of land is retained for the appellants for utilizing the land for industrial purposes. If in the course of repossession and reallocation, any hindrance is caused to the road access to the appellants' property, there will be direction to the respondents to ensure that road access is provided to the appellants' property. Similarly, if land repossessed and allotted is such as to reduce the land sold to the

appellants, then the difference should be restored to the appellants, i.e. 18.078 cents of land, which will include road access and entrance. By remeasuring and earmarking the boundaries, the Industries Department can achieve the same, and there shall be direction to them to do it in the presence of the parties.

This Writ Appeal is disposed of as above.