IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

TUESDAY, THE 26TH DAY OF MARCH 2024 / 6TH CHAITHRA, 1946

WP(C) NO. 6653 OF 2023

PETITIONER:

**SR EDUCATIONAL & CHARITABLE TRUST
AGED 66 YEARS, REPRESENTED BY ITS CHAIRMAN,
VENNIKODE P O, AKATHEMURI, VARKALA. :
TRIVANDRUM DISTRICT , (REG NO: IV/61/2002),
PIN – 695 318.**

**BY ADVS.
P.M.SANEER
TONY GEORGE KANNANTHANAM
NITHYA R.**

RESPONDENTS:

1 **STATE OF KERALA
REP. BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM,
PIN – 695 001.**

2 **THE DISTRICT COLLECTOR,
COLLECTORATE, KADAPPANAKKUNNU.P.O.
TRIVANDRUM, PIN – 695 043.**

3 **THE DISTRICT DISASTER MANAGMENT AUTHORITY,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
COLLECTORATE, KADAPPANAKKUNNU.P.O.
TRIVANDRUM, PIN – 695 043.**

4 **THE TAHSILDAR,
VARKALA, PIN – 695 152.**

5 **THE DISTRICT MEDICAL OFFICER,
RED CROSS ROAD, VANCHIYOOR.P.O,
TRIVANDRUM, PIN – 695 035.**

**6 THE PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT TRIVANDRUM.,
PIN – 695 001.**

**BY ADVS
KURIAN GEORGE KANNANTHANAM. SR
P. S. APPU, GOVERNMENT PLEDAER**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.03.2024, ALONG WITH WP(C).19449/2023, THE COURT ON THE SAME DAY

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

TUESDAY, THE 26TH DAY OF MARCH 2024 / 6TH CHAITHRA, 1946

WP(C) NO. 19449 OF 2023

PETITIONER:

R. SHAJI
AGED 66 YEARS, (CHAIRMAN S.R. MEDICAL COLLEGE, & RESERCH CENTRE, VARKALA), RESIDING AT "DIVYAPRABHA", MARAPPALAM, PATTOM, THIRUVANANTHAPURAM, PIN – 695 004.

BY ADVS.
P.M.SANEER
TONY GEORGE KANNANTHANAM

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY PRINCIPAL SECRETARY
TO GOVERNMENT, HEALTH & FAMILY WELFARE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN – 695 001.

2 **THE DISTRICT COLLECTOR**
CIVIL STATION, THIRUVANNATHAPOURAM,
PIN – 695 001.

3 **THE DEPUTY TAHSIDLAR**
THIRUVANANTHAPURAM TALUK,
THIRUVANANTHAPURAM, PIN – 695 001.

4 **THE ADMISSION & FEE REGULATORY**
COMMITTEE FOR MEDICAL EDUCATION
M.P. APPAN ROAD, VAZHUTHAKKAD,
THIRUVANNATHAPURAM
REP: BY ITS OFFICE MANAGER,
PIN – 695 014.

BY ADVS.
KURIAN GEORGE KANNANTHANAM. SR
P. S. APPU, GOVERNMENT PLEDAER
MARY BENJEMIN, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.03.2024, ALONG WITH WP(C).6653/2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 26th day of March, 2024

The claim in the writ petition is for compensation payable to the petitioner under Section 66 of the Disaster Management Act, 2005 for taking over their hospital, hostel, equipments and instruments, etc. during the Covid pandemic. Admittedly, amounts are due to the petitioner Trust, since their property had been used for the purpose of Covid recovery. Annexure R2(c) is the calculation made by the officers of the respondents.

2. The Government Pleader submits that amounts are due to the Government under different revenue recovery actions initiated against the petitioners. It is submitted that amounts are due under property tax to the Panchayat for which steps have been initiated for recovery and amounts are also due to the students, who were sent to other colleges.

3. The petitioner has produced Ext.P40 letter along with I.A No.1/2024 in W.P.(C) 6635/2024 wherein it is stated

that the amounts payable to students have been paid and no further amounts are due from the SR Medical Collage. As far as revenue recovery proceedings for recovery of property tax is concerned, it is submitted by the counsel for the petitioner that the proceedings have already been stayed by this Court. The Government is free to initiate any action for recovery of amounts due, but, that cannot be a reason for not paying the amounts which are admittedly due from the Government to the petitioners under the Disaster Management Act.

In the above circumstances, the writ petition is disposal of with a direction to the respondents to pay the amounts which have been claimed in Annexure R2(c) to the petitioners within three months from today.

Sd/-

T.R. RAVI
JUDGE

AMR

APPENDIX OF WP(C) 6653/2023

PETITIONER'S EXHIBITS

Exhibit P1	**TRUE COPY OF THE ORDER NO.DDMA/01/2020/ COVID(5/1) DATED 16-3-2020 ISSUED BY THE 3RD RESPONDENT.**
Exhibit P2	**TRUE COPY OF THE ORDER NO.A4-1875/20 DATED 13-5-2020 ISSUED BY THE 4TH RESPONDENT.**
Exhibit P3	**TRUE COPY OF THE NOTICE NO.DDMA/01/2020/ COVID DATED 18-5-2020.**
Exhibit P4	**TRUE COPY OF THE LETTER NO.C2-2558/2020/ DMOH DATED 26-5-2020 ISSUED BY THE 6TH RESPONDENT.**
Exhibit P5	**TRUE COPY OF THE REPLY NO.SRMCRC/2036/ COVID/2020 DATED 26-5-2020 6TH RESPONDENT.**
Exhibit P6	**TRUE COPY OF THE ORDER NO.C4-3604/2020(1) DATED 27-5-2020.**
Exhibit P7	**TRUE COPY OF THE ORDER NO.A4-02/2020 DATED 3-6-2020 ISSUED BY THE 4TH RESPONDENT.**
Exhibit P8	**TRUE COPY OF THE COMMUNICATION NO.DDMA/01/ 2020/ COVID/SRMEDICAL DATED 6-6-2020.**
Exhibit P9	**TRUE COPY OF THE REPLY NO.E1/1247/SRMC/2020 DATED 11-6-2020 TO THE 3RD RESPONDENT.**

Exhibit P10	**TRUE COPY OF THE ORDER NO.DDMA/01/2020/ COVID/SRMEDICAL DATED 15-7-2020.**
Exhibit P11	**TRUE COPY OF THE ORDER NO.C4-3604/2020 DATED 23-12-2020 ISSUED BY THE 5TH RESPONDENT.**
Exhibit P12	**TRUE COPY OF THE ORDER NO.A4-1039/2021 DATED 10-3-2021 OF THE SUPERINTENDENT OF THE TALUK HOSPITAL.**
Exhibit P13	**TRUE COPY OF THE MINUTES OF THE MEETING OF DISTRICT COLLECTOR, TRIVANDRUM WITH PRIVATE MEDICAL COLLEGE MANAGEMENTS DATED 25-4-2021.**
Exhibit P14	**TRUE COPY OF THE ORDER NO.DDMA/COVID/ 2020/ H3 DATED 21-5-2021 ISSUED BY THE 2ND RESPONDENT.**
Exhibit P15	**TRUE COPY OF THE MAHAZAR PREPARED BY THE DEPUTY TAHSILDAR ON 24-5-2021.**
Exhibit P16	**TRUE COPY OF THE LETTER NO.SRMCRC/DDMA/ COVID/ 2021/531 DATED 31-5-2021 ALONG WITH ANNEXURE.**
Exhibit P17	**TRUE COPY OF THE LETTER NO.A1-SRMCRC/DDMA/ COVID/2021/615 DATED 25-6-2021.**
Exhibit P18	**TRUE COPY OF THE REPRESENTATION DATED 10-8-2021`FROM THE PETITIONER.**
Exhibit P19	**TRUE COPY OF THE REMINDER REPRESENTATION DATED 2-11-2021 FROM THE PETITIONER.**
Exhibit P20	**TRUE COPY OF THE ORDER NO.DDMA/01/2020/ COVID/H2 DATED 5-11-2021 .**

Exhibit P21	**A TRUE COPY OF THE COMMUNICATION DTD 12/11/2021 ISSUED BY THE CHERUNNIYOOR GRAMA PANCHAYT.**
Exhibit P22	**A COPY OF THE JUDGMENT IN WP© NO 27889/2021 DATED 14/2/2022, OF THIS HON'BLE COURT.**
Exhibit P23	**A COPY OF THE ORDER NO. H2-381140/2021 DATED 10/1/2023 ISSUED BY THE 2ND RESPONDENT.**
Exhibit P24	**A COPY OF THE DECISION TAKEN BY THE PANCHAYAT DATED 1/11/2003.**
Exhibit P25	**A COPY OF THE OWNERSHIP CERTIFICATE DATED 30/10/2004 ISSUED BY THE SECRETARY CHERINNIYOOR GRAMA PANCHAYAT TO THE PETITIONER.**
Exhibit P26	**A COPY OF THE COMPLETION CERTIFICATE A10-40210/2005 DATED 06/06/2005 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT.**
Exhibit P27	**A COPY OF THE CERTIFICATE ISSUED BY THE ASSISTANT EXECUTIVE ENGINEER KERALA WATER AUTHORITY DATED 4/6/2005.**
Exhibit P28	**A COPY OF THE CERTIFICATE NO. PCB/TVM-DO/BMW/2963/2006 DATED 29/5/2006 ISSUED BY THE ENVIRONMENTAL ENGINEER KERALA STATE POLLUTION CONTROL BOARD.**
Exhibit P29	**A COPY OF THE BUILDING TAX RECEIPTS DATED 12/12/2006 ISSUED BY THE CHERUNNIYOOR GRAMA PANCHAYAT FOR THE PERIOD 2006-2007.**
Exhibit P30	**A COPY OF THE CERTIFICATE DATED 4/6/2005 ISSUED BY THE BLOCK DEVELOPMENT OFFICE VARKKALA.**

Exhibit P31	**. A COPY OF THE CERTIFICATE NO.529/13 DATED 12/9/2013 ISSUED BY THE CHERUNNIYOOR VILLAGE OFFICER.**
Exhibit P32	**A COPY OF THE BUILDING AGE CERTIFICATE NO 5023001/111/2022 DATED 27/6/2022 ISSUED BY THE GRAMA PANCHAYAT.**
Exhibit P33	**A COPY OF THE BUILDING TAX RECEIPTS ISSUED BY THE CHERUNNIYOOR GRAMA PANCHAYAT FOR 2021-2022.**
Exhibit P34	**A COPY OF THE CERTIFICATE DATED 27/6/2022 ISSUED BY THE CONSULTING STRUCTURAL ENGINEERING.**
Exhibit P35	**A TRUE COPY OF THE GOVERNMENT ORDER NO. G.O.(RT)NO.1122/2023/H&FWD DATED 11-5-2023.**
Exhibit P36	**A TRUE COPY OF THE RECOVERY/DEMAND NOTICE NO.RRC NO.2023/6864/01 DATED 25-5-2023 ISSUED BY THE DEPUTY TAHASILDAR THIRUVANANTHAPURAM TALUK.**
Exhibit P37	**A TRUE COPY OF THE OBJECTION SUBMITTED TO THE DISTRICT COLLECTOR, NO.A1/SRMC/2023/0530 DATED 30/5/2023.**

RESPONDENTS' EXHIBITS

EXHIBIT R2(a)	**TRUE COPY OF THE CERTIFICATE ISSUED BY THE SECRETARY. CHERUNIYOOR GRAMA PANCHAYATH.**
EXHIBIT R2(b)	**TRUE COPY OF THE REPORT SUBMITTED BY THE SECRETARY, CHERUNIYOOR GRAMA PANCHAYATH.**
Annexure R2(a)	**A TRUE COPY OF THE REPORT SUBMITTED BY THE SECRETARY, CHERUNIYOOR GRAMA PANCHAYAT DATED 10-08-2023.**

Annexure R2(b)	**A TRUE COPY OF THE RENT CERTIFICATE.**
Annexure R2(c)	**A TRUE COPY OF THE MINUTES OF THE RENT COMMITTEE WHICH WAS CONVENED ON 10-08-2023.**
Annexure R2(d)	**A TRUE COPY OF THE PROCEEDINGS DATED 16-03-2020.**
Annexure R2(e)	**A TRUE COPY OF THE REPORT DATED 09-08-2023.**
Annexure R2(f)	**A TRUE COPY OF THE LETTER DATED 01-08-2023.**
Annexure R2(g)	**A TRUE COPY OF THE LETTER DATED 17-06-2023.**
Annexure R2(h)	**A TRUE COPY OF THE LETTER NO. H2-381140/2021 DATED 30-12-2022.**
Annexure R2(i)	**A TRUE COPY OF THE LETTER SENT BY THE PETITIONER.**
Annexure R2(j)	**TRUE COPY OF THE LETTER NO. DPMSU/8183/TVPM /2022 DATED 28-12-2022 OF THE DISTRICT PROGRAMME MANAGER, NHM, THIRUVANANTHAPURAM.**
Annexure R2(k)	**TRUE COPY OF THE LETTER NO. DPMSU/NHM/5263/2023/TVPM DATED 11-08-2023 OF THE DISTRICT PROGRAMME MANAGER, NHM THIRUVANANTHAPURAM.**
Annexure R2(l)	**A TRUE COPY OF THE REPORT NO.SC2/2401/2023 DATED 15-06-2023.**
Annexure R2(m)	**A TRUE COPY OF THE ORDER DATED 13-03-2017.**

APPENDIX OF WP(C) 19449/2023

PETITIONER'S EXHIBITS

Exhibit P1	**A TRUE COPY OF THE JUDGMENT DATED 17-6-2022 IN W.P(C)NO. 21486/2021 & CONNECTED CASES, OF THIS HON'BLE COURT.**
Exhibit P2	**A TRUE COPY OF THE INTIMATION NO A1-SR TRUST/SRMCRC/MBBS/ASC/2021/0825 DATED 25-8-2021 ADDRESSED TO THE 4TH RESPONDENT.**
Exhibit P3	**A TRUE COPY OF THE LETTER OF THE COMMITTEE TO THE MANGER S.B.I.VAZHUTHACAD TRIVANDRUM NO ASC100/16/MBBS/SRMCRC DATE 6-1-2023, OF AFRC.**
Exhibit P4	**A TRUE COPY OF THE GOVERNMENT ORDER NO G.O.(MS)NO 1122/2023/H&FWD DATED 11-5-2023, ISSUED BY THE 1ST RESPONDENT.**
Exhibit P5	**A TRUE COPY OF THE RECOVERY/DEMAND NOTICE NO.RRC NO.2023/6864/01 DATED 25/5/2023 ISSUED BY THE DEPUTY TAHASILDAR THIRUVANANTHAPURAM TALUK.**
Exhibit P6	**A TRUE COPY OF THE S.7 RRC NO.2023/6864/01 DATED 25-5-2023, ISSUED BY THE DEPUTY TAHASILDAR THIRUVANANTHAPURAM.**
Exhibit P7	**A TRUE COPY OF THE OBJECTION SUBMITTED TO THE DISTRICT COLLECTOR, NO.A1/SRMC/2023/0530 DATED 30/5/2023.**
Exhibit P8	**A TRUE COPY OF THE REPRESENTATION DATED 5-6-2023 ADDRESSED TO THE CHAIRMAN AFRC.**