

**A.K.JAYASANKARAN NAMBIAR, J.**  
**&**  
**MOHAMMED NIAS C.P., J.**

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**W.P.(C).NOS.222 & 244 OF 2019**  
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**Dated this the 2<sup>nd</sup> day of February, 2023**

**ORDER**

**A.K. Jayasankaran Nambiar, J.**

Pursuant to our earlier order dated 24.1.2023, when the matter was taken up for orders today, an affidavit has been filed on behalf of the 2<sup>nd</sup> respondent stating as follows in paragraphs 3, 4, 5, 6 and 7:

"3. It is submitted that on receipt of the order dated 08.11.2022 of this Hon'ble Court, the State Police Chief was directed to furnish the details of the Office bearers of the 10<sup>th</sup> respondent. In response to the same, the District Police Chief concerned has furnished the list of the office bearers of the organisation. The list thus obtained was forwarded to the Inspector General, Registration for assessing the details of the properties of the office bearers. In the meantime as per order dated 18.01.2023, this Hon'ble Court directed that the Government should have straight away proceeded to attach the properties and bring the same to sale for realisation of the aforesaid amount of Rs.5.20 crore by following the procedure under section 35 of the Revenue Recovery Act in the instant case. Hence in compliance to the order, the details of the properties identified by the IG, Registration was forwarded to the Land Revenue Commissioner for initiating attachment procedure. Since all these procedures were initiated in a limited time period some mistakes crept in due to some similarity in the name, address, survey number, etc. of the properties identified. Hence this resulted in erroneous attachment of some properties of persons who were not associated with the organization. When it came to the notice of Government that some mistakes had occurred in the attachment, direction was given to the Land Revenue Commissioner and the State Police Chief to stop further proceedings in respect of these properties which were erroneously identified. In accordance with the directions of this Hon'ble Court dated 24.01.2023, the State Police Chief has furnished the detailed list of the persons whose properties were attached and their link with the 10<sup>th</sup> respondent organization. True copy of the detailed list furnished by

the State Police Chief along with covering letter dated 01.02.2023 is produced herewith and marked as **Annexure R2(b)**.

4. In compliance to the directions in the order dated 18.01.2023, requisition in respect of the properties of 209 persons related to PFI was forwarded to the District Collectors for effecting attachment. The Land Revenue Commissioner has informed that out of them valuation report in respect of 177 properties were prepared by the District Collectors concerned. In view of the disputes raised regarding the attachment proceedings, the valuation of the remaining properties could not be completed. A true copy of the valuation statement of the properties furnished by the Land Revenue Commissioner along with covering letter dated 31.01.2023 is produced herewith and marked as **Annexure R2(c)**.

5. As submitted in the Action Taken Report dated 17.01.2023, office space of 300 Sq. Ft was allotted to the Claims Commissioner in the 1<sup>st</sup> floor of Revenue Tower at Ernakulam. The Executive Engineer, Kerala State Housing Board had submitted an estimate of Rs.6,05,000 for furnishing the office space especially for partition and providing office furniture to the Claims Commissioner. The District Collector, Ernakulam had requested the Home Department to give administrative sanction of Rs.6,05,000/- for furnishing the office space. Accordingly as per G.O.(Rt) No.254/2023/Home dated 31.01.2023, the Government have issued administrative sanction amounting to Rs.6,05,000/- for providing infrastructure facilities to the Claims Commissioner. Sanction was also accorded to the District Collector, Ernakulam to draw an amount to Rs.6,05,000/- for the above purpose.

6. It is respectfully submitted that in order to commence the functioning of the Claims Commissioner, the District Collector as per order dated 25.01.2023 had also allotted a room for the Claims Commissioner in the Rest House, Ernakulam till the furnishing work of the office in the Revenue Tower is completed. A true copy of the order dated 25.01.2023 of the District Collector, Ernakulam is produced herewith and marked as **Annexure R2(d)**.

7. Based on the above said order of the District Collector, letter dated 27.01.2023 was addressed to the Claims Commissioner Sri. P.D. Sarangadharan, intimating him that a room has been allotted temporarily in the Rest House, Ernakulam for commencing the work of the Commission, pending completion of the furnishing work in the room allotted in the Revenue Tower, Ernakulam. Necessary staff have already been deputed to assist the Claims Commissioner and they had reported to the Claims Commissioner."

2. In the report submitted before us by the Claims Commissioner, he submits that, while the District Collector has,

through a communication dated 25.1.2023, informed him of the allotment of a room in the PWD Rest House, Ernakulam, for his functioning pending the repair works to be carried out at the premises in the Revenue Tower Building near Boat Jetty, Ernakulam, he feels that the space allotted to him at the PWD Rest House will not be an appropriate place to function for a public office as the amenities there are relatively poor. He prays that he may be permitted to function from his Chambers at the High Court Chamber Complex for the period of one month from today, by which time, it is expected that the space in the Revenue Tower Building will be made available for his use by the District Administration. He also prays that suitable directions be issued for empowering him to summon existing video and other recordings from the Police Department and other public and private sources to pinpoint the damage and establish nexus with the perpetrators of the damage caused during the Hartal, to call for the copies of all FIR's registered and the mahazars prepared in connection with the incident during the Hartal and to call for the copy of records showing all details of damage caused to the KSRTC.

3. Taking note of the affidavit filed on behalf of the 2<sup>nd</sup> respondent and the report submitted by the Claims Commissioner, we

deem it appropriate to issue the following directions:

(i) The 2<sup>nd</sup> respondent, Additional Secretary shall forthwith ensure that the properties of those persons who have no connection with the additional 13<sup>th</sup> respondent Organisation, which have been erroneously attached by the Revenue Recovery authorities of the State Government, are released by lifting the attachment on the said properties. The lifting of the attachment shall be evidenced by appropriate orders issued in that regard which are communicated to the persons concerned.

(ii) We make it clear that the Claims Commissioner appointed by this Court, to adjudicate on the claims of the persons who have suffered damage to their properties during the Hartal, shall have all the powers of a Civil Court to summon any person/document as also any witness for the purposes of the enquiry. He may accordingly seek the production of any material required for the purposes of the enquiry from the Departments of the Government, Public/Private sources as also the KSRTC using the said powers conferred on him through this order.

(iii) The State Government shall ensure that the support staff allotted to the Office of the Claims Commissioner are made available to the Claims Commissioner at the temporary premises that he has chosen to function from, till such time as the premises allotted in the Revenue Tower Building is

made available for his functioning.

(iv) The District Collector, who is present before us through video conferencing, shall also ensure that the work of furnishing the premises at the Revenue Tower Building, for the functioning of the Office of the Claims Commissioner, is complete in all respects within a period of one month from today.

Post on 20.02.2023.

**Sd/-**  
**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

**Sd/-**  
**MOHAMMED NIAS C.P.**  
**JUDGE**

**prp/2/2/23**