



2025:KER:57041

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 1<sup>ST</sup> DAY OF AUGUST 2025 / 10TH SRAVANA, 1947

WP(C) NO. 6653 OF 2023

PETITIONER:

SR EDUCATIONAL & CHARITABLE TRUST  
REPRESENTED BY ITS CHAIRMAN, VENNIKODE P O,  
AKATHEMURI, VARKALA. : TRIVANDRUM DISTRICT ,  
(REG NO: IV/61/2002), PIN - 695318

BY ADVS.  
SRI.P.M.SANEER  
SHRI.TONY GEORGE KANNANTHANAM  
SMT.NITHYA R.

RESPONDENTS:

- 1 STATE OF KERALA  
REP. BY THE CHIEF SECRETARY TO GOVERNMENT,  
GOVERNMENT SECRETARIAT,  
TRIVANDRUM, PIN - 695001
- 2 THE DISTRICT COLLECTOR,  
COLLECTORATE, KADAPPANAKKUNNU.P.O.  
TRIVANDRUM, PIN - 695043



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- 3 THE DISTRICT DISASTER MANAGEMENT AUTHORITY,  
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,  
COLLECTORATE, KADAPPANAKKUNNU.P.O.  
TRIVANDRUM, PIN - 695043
- 4 THE TAHSILDAR  
VARKALA,  
PIN - 695152
- 5 THE DISTRICT MEDICAL OFFICER,  
RED CROSS ROAD, VANCHIYOOR.P.O.,  
TRIVANDRUM, PIN - 695035
- 6 THE PRINCIPAL SECRETARY,  
HEALTH AND FAMILY WELFARE DEPARTMENT,  
GOVERNMENT SECRETARIAT  
TRIVANDRUM., PIN - 695001

BY SRI.RAJEEV JYOTHISH GEORGE, GOVERNMENT  
PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY  
HEARD ON 26.06.2025, THE COURT ON 01.08.2025 DELIVERED  
THE FOLLOWING:



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**CR****N. NAGARESH, J.**.....  
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.....*Dated this the 1<sup>st</sup> day of August, 2025***J U D G M E N T**

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The petitioner, which is an educational agency running a Medical College and Dental College, has filed this writ petition seeking to quash Ext.P23 and to direct the respondents to determine the compensation payable to the petitioner for taking over their Hospital, Hostel, the equipments and instruments, under the provisions of the Disaster Management Act, 2005 and to disburse the compensation amounts forthwith.

2. The petitioner states that by Ext.P1 order dated 16.03.2020, the petitioner was directed to handover the



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petitioner's Medical College with all existing human and material resources to the DMO, Thiruvananthapuram. Ext.P1 was issued under Sections 26, 30 and 34 of the Disaster Management Act, 2005. The Secretary to Cherunniyoor Grama Panchayat required the petitioner to handover keys of the rooms on the 6<sup>th</sup> floor and to provide three cleaning staff maintaining Covid protocol, as per Ext.P2. By Ext.P3, the petitioner was required to repair the lift. By Ext.P4, the DMO required the petitioner to handover the entire facility of the College. The petitioner co-operated.

3. No rent or compensation was paid to the petitioner. The petitioner therefore computed the compensation/rent based on the Technical Circular dated 25.05.2021 issued by the PWD and submitted Ext.P18 representation dated 10.08.2021. Detailed calculation of compensation was attached. About ₹46 Crores is due to the petitioner. Thereafter, the District Collector directed to close down the Covid First Line and Second Line Treatment Centres, as per Ext.P20 order dated 05.11.2021. Thereafter,



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the 4<sup>th</sup> respondent conducted fumigation in the Hospital and the Hospital was handed over to the petitioner as can be seen from Ext.P21 communication dated 12.11.2021. The 2<sup>nd</sup> respondent on 10.01.2023 has passed Ext.P23 order rejecting the claims of the petitioner and holding that the petitioner is not entitled to any compensation as the building constructed for the Medical College is unauthorised. Ext.P23 order is under challenge.

4. The 2<sup>nd</sup> respondent resisted the writ petition. The 2<sup>nd</sup> respondent stated that pursuant to the interim order dated 19.06.2023 of this Court, the Rent Committee meeting was held on 30.06.2023. A joint inspection was conducted. The Panchayat authorities reported that the Women's Hostel building of the Dental College was constructed in violation of CRZ Regulations. The Rent Committee fixed the rent for the portion of the building which was taken over for Covid response activities at ₹1,06,19,881.44 as per Annexure R2(c). The 2<sup>nd</sup> respondent stated that all the equipments taken over by the respondents are in working condition. The



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petitioner is not entitled to any relief, urged the 2<sup>nd</sup> respondent.

5. I have heard the learned counsel for the petitioner and the learned Government Pleader representing respondents 1 to 6.

6. It is not disputed that the land, building and facilities of the petitioner were taken over by the respondents invoking the provisions of the Disaster Management Act. The dispute is regarding the eligibility of the petitioner to receive compensation. By Ext.P23 order, the District Collector has declined compensation to the petitioner.

7. As regards rent for the floor area and rent for rooms, the District Collector has concluded that as the portion of the building used by the respondents was unauthorised construction, rent for floor area and rooms cannot be sanctioned. As regards rent for medical equipments, the District Collector has stated that in spite of request, the petitioner has not come forward to take over the equipments. There is no provision for paying rent for the



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medical equipments as of now. Therefore, the petitioner should take back the medical equipments without claiming any rent.

8. As regards price for equipments taken by the respondents, the District Collector states that those equipments are taken back by the petitioner after due inspection. The District Collector has also declined price for missing equipments / damaged items on the ground that the equipments for which price is claimed were not taken over by the Government.

9. It is to be noted that the buildings and valuable equipments belonging to the petitioner were taken over by the respondents at the crucial time of Covid-19 pandemic, by the Disaster Management authorities. Section 66 of the Disaster Management Act provides the manner in which compensation has to be computed. The rent for the building has been declined alleging that the building is unauthorised. The buildings were constructed after obtaining Ext.P24 NOC from the Grama Panchayat. The 2<sup>nd</sup> respondent has issued



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Ext.P26 construction completion certificate. The Grama Panchayat is collecting building tax.

10. Assuming that the building requires certain statutory clearances, even then the respondents who have taken over the building and used the same invoking the provisions of the Disaster Management Act, 2005 cannot decline rent/compensation holding that the building construction was unauthorised. If there is any statutory violations in the construction of the building, the authorities will be free to take such action as is permissible. But, the respondents are legally bound to pay rent/compensation to the petitioner if the building is used by them, failure of which would offend the constitutional right of the petitioner under Article 300A of the Constitution of India.

11. The respondents had taken over not only the hospital building but the medical equipments also. Rent/compensation for medical equipments has been declined by the District Collector holding that “there is no provision now” to pay rent/compensation for equipments.



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The reasoning given by the District Collector is highly arbitrary and unacceptable. If the respondents have taken over the medical equipments, then the respondents are bound to pay rent/compensation for medical equipments. Similarly, if any of the equipments are missing or damaged, the petitioner is entitled to due compensation for the loss sustained by him.

12. Ext.P23 order of the District Collector is therefore highly arbitrary and unsustainable. Ext.P23 is set aside. The issue is remitted back to respondents 2 and 3 for reconsideration of the claim of the petitioner and for payment of due rent/compensation. A decision afresh in this regard shall be taken within a period of three months.

The writ petition is disposed of as above.

Sd/-  
**N. NAGARESH, JUDGE**

aks/30.07.2025



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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 |



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| 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.                   |



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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

## RESPONDENT'S EXHIBITS

EXHIBIT R2(a) TRUE COPY OF THE CERTIFICATE ISSUED BY THE SECRETARY. CHERUNIYOOR GRAMA PANCHAYATH.



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| 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                                                                                       |

## PETITIONER'S EXHIBITS

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| Exhibit P38 | A TRUE COPY OF THE ORDER NO ASC 100/16/MBBS/SRMCRC DTD 19-9-2023 ISSUED BY ADMISSION SUPERVISORY COMMITTEE FOR MEDICAL EDUCATION. |
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| Exhibit P39 | A TRUE COPY OF THE ORDER NO<br>ASC100/16/MBBS/SRMCRC DTD 7-10-2023<br>ISSUED BY ADMISSION SUPERVISORY<br>COMMITTEE FOR MEDICAL EDUCATION.  |
| Exhibit P40 | A TRUE COPY OF THE ORDER NO<br>ASC100/16/MBBS/SRMCRC DTD 13-10-2023<br>ISSUED BY ADMISSION SUPERVISORY<br>COMMITTEE FOR MEDICAL EDUCATION. |
| Exhibit P41 | A TRUE COPY OF THE COMMUNICATION DATED<br>BGCWG/JL/FY21-22/1804 DTD 1/2/2022<br>ISSUED BY ARCIL IN THE NAME OF THE 1ST<br>RESPONDENT.      |
| Exhibit P42 | A TRUE COPY OF THE JUDGMENT IN WP(C)<br>43827/2024 DATED 13/12/2024 OF THIS<br>HONOURABLE COURT.                                           |