

Copy of Proceedings of the Special meeting of the Cantonment Board Cannanore held on 09-05-2017 at 10.30 hours in the conference hall of the Cantonment Board Cannanore.

Present Members:

1. Col.Ajai Sharma - President
2. Shri.Andrews.V - Vice President
3. Lt. Col.Prosenjit Deb - SEMO, Military Hospital
4. Shri.Ratheesh Antony - Elected Member
5. Smt.Sheeba Fernandez - Elected Member
6. Smt.Deepa Baiju - Elected Member
7. Col.Padmanabhan (Retd.) - Elected Member
8. Kum.Jisha Krishnan.K - Elected Member
9. Dr.Vinod Vikneswaran.A - CEO/Member Secretary

Members Absent

1. Shri.Sunil Kumar Rai - AEE (Civ) AGE(1) MES
2. Shri.C.M.Gopinathan - Dy. Collector/ DM Nominee

Agenda No.1: Cannanore Cantonment Board in the special board meeting on 02-05-2017 decided to continue the tenure of the occupancy rights of the 35 shops, until 31st March 2018 whose occupancy rights are to be auctioned on 19-05-2017 for the period of 3 years from 1st April 2018. It was also decided that, decision regarding postponement of auction on 19-05-2017 is to be decided later. On 04-05-2017, office of the Cantonment Board received a stay order from the Honourable High Court of Kerala for eviction of the some of the occupants of shops, due to the writ petition filed by few occupants of Cantonment Board owned shops (W.P.(c) No.14810/2017): This stay order was obtained despite the board resolved to continue the tenure of the present occupants of shops until 31st March 2018 vide CBR No.1 dated 02-05-2017. But the Honourable High Court in the stay order, also have stated that the auction proceedings could go on. Office of Cannanore Cantonment Board received another writ petition (WP © No.14933/2017) on 05-05-2017 by some other occupants of Cantonment owned shops. The writ petition documents are placed before the Board. Board to consider and decide.

Resolution No.1 : Board considered and noted the order of the High Court for the writ petition filed by the shop occupants. CEO expressed his opinion to conduct the auction at the earliest as the Court Order is in favour.

Member of Ward Number 5 (Col.Padmanabhan) questioned the necessity to conduct auction on the present fixed rate since we have nearly 10 months time for 1st April 2018. CEO replied that the High Court itself has no objection for conducting the auction on the present fixed date. Member of Ward Number 1 (Mr.Ratheesh Antony) reiterated the Board's mandate whether to conduct auction or not which was supported by all the elected members including the Vice President. He was also of the opinion that the unauthorized occupants must be identified and evicted from the shops, which was accepted by all the members of the board. Vice President raised the issue of "Undertaking" given by the shop occupants which mentions that the tenure is until 2019 for the present shop occupants. President replied that the writ petition filed by the present occupants, the representation given to the President by the present shop occupants

and the earlier board resolution on 07-07-2015 which extended the tenure mention only about 31st March 2018. So the question of extending the tenure till 2019 could not be substantiated.

All the elected board members expressed their opinion to cancel the auction on 19-05-2017 and to conduct it on January 2018 due to following reasons:-

1. If auction is conducted on 19-05-2017 for the period from April, 1st 2018 it will be too early.
2. If auction is conducted now and the board could not evict the present shop occupants before 31st March 2018 and it will lead to hardship for the board and the new bidders who won the shop occupancy rights.

President, SEMO and the CEO opined to conduct the auction at the earliest due to the following reasons:-

1. Canceling the auction on 19-05-2017 when the Court order itself favouring the conduct of auction is unwarranted.
2. If auction is conducted earlier there will be enough time to settle issues with the present occupants which will lead to smooth transition of occupancy rights for the next bidders.

So, a voting was conducted and all 6 elected members including the Vice President voted to conduct auction during January 2018. SEMO and the CEO voted to conduct auction at the earliest. President is also of the opinion to conduct auction at the earliest.

Since the majority was in favour of conducting auction in January 2018, the President and the CEO expressed their opinion to refer this matter to GOC-in-C, HQrs., SC through PD, DE, Southern Command. Board approved the decision to refer the case to GOC-in-C for directions regarding the time in which the auction to be conducted. Until a reply in this regard is received from GOC-in-C, the Board decided to postpone the auction.

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Chief Executive Officer
Cantonment Board, Cannanore