

# 'Ampang Park land acquired legally'

Star 1/7/16 B5-24

**KUALA LUMPUR:** Some 62 registered strata title owners of Ampang Park Shopping Centre failed in their judicial review bid to challenge the validity of the intended compulsory land acquisition for the construction of the MRT Line 2 project.

High Court (Appellate and Special Powers) judge Justice Hanipah Farikullah held that the Government had acquired the land for the MRT project within the statutory provision of the law.

"It is in accordance with the Land Acquisition Act," said Justice Hanipah after hearing lengthy submissions by parties over the preliminary objection and merits of the judicial review.

## 62 owners fail in review bid to challenge acquisition

Among others, Justice Hanipah said, the area of the land to be acquired by the Government was meant for efficiency of the MRT project and safety reasons.

"There is no evidence that there is bad faith on the part of the respondents, the Government or the Mass Rapid Transit Corporation Sdn Bhd (MRT Corp) over this project. It is a matter for public purpose," she said.

She said the provisions in the National Land Code and the Strata Titles Act 1985 was also clear over the acquisition of such land.

Besides that, she said the applicants have named wrong parties for the judicial review.

"The role of the Federal Territory Land and Mines director and the Federal Territory Land Administrator (named as respondents) is not to acquire the land, so wrong party has been named.

"The power to acquire land is still with the Government of Malaysia which is the state authority," she said and ordered the applicants to pay RM70,000 in costs.

The applicants' lawyer Datuk Edward Ng Boon Siong said they

would appeal against the ruling and file a stay over the land acquisition process pending the appeal.

However, MRT Corp co-counsel Lai Wai Fong said they would proceed with land inquiry in due course to process over their compensations.

The strata title owners claimed that Ampang Park was the first shopping centre in Malaysia, and thus needed to be protected due to its "historical value".

In the court papers filed on Jan 8, 39 applicants, who owned more than one strata title, sought a

declaration that the approval of the state authority for the acquisition of their lands for the MRT project was unconstitutional, unlawful and invalid.

The MRT Line 2 has a total length of 52.2km, of which 13.5km will be underground.

They said that they support the Government for the underground MRT project but did not want the Government to demolish the shopping centre, which had been operational since 1973 and has 253 business lots.

They said that MRT's management had issued a notice asking them to vacate the building by April this year.