

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

OP.No.1703 of 2000 (C)

PETITIONER :

T.M.MATHEW,
S/O.LATE THOMAS MATHEW,
AGED 74, THAZHATHILLATHU GRACE COTTAGE,
BOUNDARY, KUMARAMPEROOR VADAKKEKKARA MURI,
VADASSERIKKARA VILLAGE.

BY ADV. SRI.V.PHILIP MATHEWS

RESPONDENTS :

-
1. VADASSERIKKARA GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY,
VADASSERIKKARA.P.O.,
PATHANAMTHITTA DT.
 2. CIRCLE INSPECTOR OF POLICE,
VADASSERIKKARA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No.1703 of 2000 (C)

APPENDIX

PETITIONER'S EXHIBITS :-

- EXT.P1 : COPY OF THE REPRESENTATION DTD.5.1.2000
SUBMITTED BY THE PETITIONER BEFORE THE 1ST
RESPONDENT.
- EXT.P2 : COPY OF THE REPRESENTATION DTD.15.1.2000
SUBMITTED BY THE PETITIONER BEFORE THE 2ND
RESPONDENT.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDHAN, J.

O.P.No.1703 of 2000

Dated this the 24th day of June, 2015

JUDGMENT

According to the petitioner, he owns 5 acres of property in Survey Nos.716 and 717 of Vadasserikkara Village in Pathanamthitta District. He has filed this Original Petition seeking the following reliefs:-

"i. issue a writ of mandamus or other appropriate writ, order or direction commanding the respondents especially first respondent not to make any construction in the public road leading to the petitioner's property in survey No.716 and 717 of Vadasserikkara village, starting from the Vadasserikkara Chittar PWD Road.

ii. issue a writ of prohibition prohibiting first respondent from interfering to the petitioner's right to use the road starting from Vadasserikkara Chittar PWD Road leading to the petitioner's property in survey No.716 and 717 of Vadasserikkara village.

iii. issue a writ of mandamus or other appropriate writ order or direction commanding the respondents not to alter or reduce nature, character and extent of the existing road leading from Vadasserikkara Chittar PWD Road leading to the petitioner's property in survey No.716 and 717 of Vadasserikkara village.

iv. issue a writ of mandamus or any other appropriate writ order or direction commanding the respondents to take appropriate action on Exhibit P1 and P2 and stay all steps to block the road leading to the petitioner's property in survey No.716 and 717 of Vadasserikkara village pending disposal of Exhibit P1 and P2.

v. to declare that the petitioner and other members of the public have absolute right to use the road leading from Vadasserikkara Chittar PWD Road leading to th petitioner's property in survey No.716 and 717 of Vadasserikkara village without any obstruction or interference from the respondents and others."

2. By order dated 17.1.2000 this Court directed the respondents to maintain status quo for 3 days and posted the matter to 20.1.2000, after issuing notice to the respondents by special messenger. The said order of status quo was extended from time to time and it was extended until further orders on 8.11.2000.

3. Today when the case was taken up for final hearing there is no representation for the 1st respondent Grama Panchayat. The learned counsel for the petitioner would submit that, during the pendency of this Original Petition the Panchayat has not taken any action and therefore this Original Petition may be closed without

prejudice to the right of the petitioner to approach this Court again in case of any future necessity.

Recording the aforesaid submission made by the learned counsel for the petitioner, this Original Petition is closed, reserving the liberty as aforesaid.

ANIL K.NARENDRA, JUDGE

skj