

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

OP(C).No. 946 of 2015 (O)

IN OS 1017/2014 of PRINCIPAL MUNSIF COURT, NEYYATTINKARA

PETITIONER(S) :

SELVARAJ,
AGED 42 YEARS, S/O. MANIKYAM,
S.A.BHAVAN, KALLUKETTI, KURAMATHOOR DESOM,
VILAVANCODE VILLAGE & TALUK, KANYAKUMARI DISTRICT.

BY ADV. SRI.R.GOPAN.

RESPONDENT(S) :

1. ANTONY,
AGED 62 YEARS, S/O. MICHAEL,
PALLIVILA HOUSE, KILIYANNUR, VELLARA DESOM,
VELLARADA VILLAGE - 695 001.
2. PRATHAPAN,
AGED 40 YEARS, S/O. DHANAM NADAR,
THADATHARIKATHU HOUSE,
KANNOORKONATHU, KARICKAMAN DESOM,
VELLARADA VILLAGE - 695 001.
3. ANTONY,
AGED 52 YEARS, S/O. ENOS NADAR,
THOOKKAKKALAM HOUSE, KILIYANNUR,
VELLARADA VILLAGE, VELLARADA TALUK - 695 001.
4. RAJAN,
AGED 42 YEARS, S/O. UNNI,
PLAVILA VEEDU, KILIYANNUR,
VELLARA DESOM, VELLARADA VILLAGE,
PIN- 695 001.
5. SAJI,
AGED 33 YEARS, S/O. ANTONY,
PALLIVILA VEEDU, KILIYANNUR,
VELLARA DESOM, VELLARADA VILLAGE,
PIN- 695 001.

6. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, COLLECTORATE,
KUDAPPANAKUNNU, THIRUVANANTHAPURAM-695 001.
7. EXECUTIVE ENGINEER,
PWD (ROADS SECTION), PWD OFFICE,
NEYYATTINKARA - 695 121.
8. ASSISTANT ENGINEER,
PWD (ROADS SECTION), PWD OFFICE,
NEYYATTINKARA - 695 121.
9. TAHSILDAR,
TALUK OFFICE, NEYYATTINKARA-695 121.
10. TALUK SURVEYOR,
TALUK OFFICE, NEYYATTINKARA-695 121.
11. RE-SURVEY SUPERINTENDENT,
NEYYATTINKARA.
12. SADHASIVAN NAIR,
'SREELAKSHMI', KESTON ENCLAVE,
KOWDIYAR, THIRUVANANTHAPURAM-695 001.
13. ASSISTANT ENGINEER (ROADS SECTION),
PWD OFFICE, KUNNATHUKAL - 695 001.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1: COPY OF THE PLAINT IN OS.NO.1017/2014 OF THE MUNSIF COURT, NEYYATTINKARA FILED BY THE PETITIONER.
- EXT. P2: COPY OF THE ORDER DATED 01/11/2014 IN IA NO.5704/2014 IN OS NO.1017/2014 OF THE PRINCIPAL MUNSIF COURT, NEYYATTINKARA.
- EXT. P3: COPY OF THE NOTICE ISSUED BY THE ASSISTANT EXECUTIVE ENGINEER, PWD DATED 28/10/2014 TO SMT.ARUNA.
- EXT. P4: COPY OF THE APPLICATION SUBMITTED BY ADV.D.ASHOK KUMAR TO THE PUBLIC INFORMATION OFFICER, TALUK OFFICE, NEYYATTINKARA DATED NIL.
- EXT. P4(A) : COPY OF THE REPLY SENT BY THE PUBLIC INFORMATION OFFICER DATED 26/03/2015 TO ADVOCATE ASHOK KUMAR.
- EXT. P5: COPY OF THE APPLICATION SUBMITTED BY ADV.D.ASHOK KUMAR TO THE PUBLIC INFORMATION OFFICER, TALUK OFFICE, NEYYATTINKARA DATED 26/02/2015.
- EXT. P5(A) : COPY OF THE REPLY SENT BY THE PUBLIC INFORMATION OFFICER DATED 23/03/2015 TO ADVOCATE ASHOK KUMAR.
- EXT. P6: COPY OF THE INJUNCTION PETITION AS IA NO.999/2015 IN OS NO.1017/2014 FILED BY THE PETITIONER BEFORE THE PRINCIPAL MUNSIF COURT, NEYYATTINKARA DATED 16/02/2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.BHAVADASAN, J.

O.P.(C) No. 946 of 2015

Dated this the 01st day of April, 2015

J U D G M E N T

The limited prayer in this original petition is for a direction to the Munsiff Court, Neyyattinkara to take up I.A.No. 999/2015 in O.S.No.1017/2014 and dispose it of as expeditiously as possible, within a time limit fixed by this Court.

2. The petitioner is the plaintiff in O.S.No.1017/2014 which was one for permanent prohibitory injunction. On 1.11.2014, it is pointed out that an interim order of injunction was passed restraining the defendants 1 to 5 from trespassing into the plaint schedule property and committing waste thereon. Complaining about the violation of order, the petitioner sought for mandatory injunction by filing I.A.No. 999/2015. The complaint is that without disposing of the same, the matter is being simply adjourned from time to time causing irreparable loss and injury to the

petitioner.

3. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is unnecessary.

This petition is disposed of directing the Munsiff Court, Neyyattinkara to take up I.A.No. 999/2015 in O.S.No.1017/2014 and dispose it of as expeditiously as possible, at any rate, within a period of two months from the date of reopening of the court after summer vacation.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge