

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

RP.No. 1004 of 2012 (K) IN WP(C).13103/2012

AGAINST THE JUDGMENT IN WP(C) 13103/2012 of HIGH COURT OF KERALA DATED
10-09-2012

REVIEW PETITIONER/WRIT PETITIONER:

SRI.MANI M.S., AGED 33 YEARS
S/O.SRI.MURALEEDHARAN NAIR, THUSHARA, KATTUVILA
VENKULAM, EDAVA.P.O, THIRUVANANTHAPURAM-695311.

BY ADVS.SRI.ANIL S.RAJ
SMT.K.N.RAJANI
SMT.ANILA PETER
SRI.J.VIVEK GEORGE

RESPONDENT/RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY ITS REVENUE SECRETARY
THIRUVANANTHAPURAM.

2. THE DISRTRICT COLLECTOR,
THIRUVANANTHAPURAM.

3. THE TAHSILDAR,
CHIRAYANKEEZHU TALUK OFFICE, ATTINGAL.P.O
THIRUVANANTHAPURAM DISTRICT.

4. THE VILLAGE OFFICER,
EDAVA VILLAGE, CHIRAYANKEEZHU TALUK
THIRUVANANTHAPURAM DISTRICT.

5. THE SPECIAL GRADE SECRETARY,
EDAVA GRAMA PANCHAYATH, EDAVA.P.O
THIRUVANANTHAPURAM-695311.

6. SRI.DIVAKARAN PILLAI,, AGED 53 YEARS
S/O.SRI.BHASKARA PILLAI, PROPRIETOR
M/S DEEPU SAW MILLS, DEEPU WOOD INDUSTRIES, KATTUVILA
VENKULAM, EDAVA.P.O, THIRUVANANTHAPURAM-695311.

BY SRI.BIJU BALAKRISHNAN
BY GOVERNMENT PLEADER SRI.RAMAPRASAD UNNI
BY SRI.MILLU DANDAPANI

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
11-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

T.R.RAMACHANDRAN NAIR,J.

**R.P.No.1004 of 2012 in
W.P.(C)No.13103 of 2012**

Dated this the 11th day of August, 2015

JUDGMENT

The review petitioner herein is the writ petitioner who had sought for a direction to remove the unauthorised encroachment into the property lying in Re.Sy.No.247/17 of Edava Village by the sixth respondent.

2. When the writ petition came up for consideration on 10.9.2012, by recording the submission made by the learned counsel for the Panchayath that already eviction proceedings have been completed as against the sixth respondent, the writ petition was disposed of.

3. The review petitioner now points out that eviction proceedings have been completed only in respect of 32.807 sq.metres and more extent of property has been encroached by the sixth respondent. As per ground A of the review petition, the property to be

recovered is 68.29 sq.metres. This is disputed by the learned counsel for the sixth respondent and the learned counsel for the Panchayath.

4. The learned counsel for the Panchayath handed over the records kept by the Panchayath which includes the report of the Additional Tahsildar. According to the learned counsel for the Panchayath, it is based on the report of the Additional Tahsildar action has been taken and nothing has been suppressed also.

5. The learned counsel for the sixth respondent also submits that eviction proceedings have been completed already. It is submitted that the contention raised by the review petitioner is not correct and actually as against the writ petitioner also, proceedings have been initiated for encroaching the property belonging to the Panchayath.

Since these aspects will have to be clarified by proper affidavits by the Panchayath and the revenue authorities, it is only proper that the judgment is recalled. Accordingly, the review petition is allowed. The judgment is recalled and the writ petition will be posted as per roster before the appropriate Court. The respective parties will file counter

affidavits in the writ petition.

T.R.RAMACHANDRAN NAIR
JUDGE

SV.