

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

WA.No. 1256 of 2010 () IN WP(C).12997/2010

**AGAINST THE ORDER/JUDGMENT IN WP(C) 12997/2010 of HIGH COURT OF KERALA
DATED 24/6/2010**

APPELLANT(S)/3RD RESPONDENT IN THE WPC::

**MATHAIKUTTY, S/O.MATHAI KONGALATHU
MUPPIRIAYIL HOUSE, THUKALASSERRY MURI, THIRUVALLA.**

**BY ADVS.SRI.RAJEEV V.KURUP
SRI.ALEX.M.SCARIA
SRI.SAJU JOSE**

RESPONDENT(S)/PETITIONER/RESPONDENTS 1,2, & 4 IN THE WPC:

- 1. P.A.CHERIAN, S/O.LATE ABRAHAM
AZHANTHRA HOUSE, KULAKKAD, THIRUVALLA
PATHANAMTHITTA.**
- 2. KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR, VELLAYAMBALAM
THIRUVANANTHAPURAM.**
- 3. THE ASST.EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, THIRUVALLA, PATHANAMTHITTA.**
- 4. CIRCLE INSPECTOR OF POLICE,
THIRUVALLA.**

**R1 BY ADV. SRI.V.PHILIP MATHEW
R2,R3 BY ADV. SRI.JOSEPH JOHN, SC, KERALA WATER AUTHORITY
BY SR GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL
RY SRI.M.DINESH, SC, KWA**

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 06-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WA NO.1256/10

APPENDIX

APPELLANT'S EXHIBITS

ANNEXURE 1: COPY OF THE STATEMENT FORWARDED BY THE 3RD
RESPONDENT TO THE COUNSEL FOR THE KWA.

ANNEXURE 2: PHOTOGRAPH OF THE PROPERTY.

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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Writ Appeal No. 1256 of 2010

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Dated this the 6th day of January, 2015

J U D G M E N T

Antony Dominic, J.

This appeal is filed against the interim order passed by the learned single Judge on 24/6/10 in WP(C) No.12997/2010 directing restoration of water connection to the 1st respondent through the property of the appellant. Though this appeal was admitted as early as on 23/7/10 and this Court did not stay the operation of the interim order, parties accept that the order is still not implemented allegedly due to the physical obstruction by the appellant.

2. Having regard to the fact that the appeal is against an interim order, that the writ petition filed in 2010 is still pending and also taking note of the long lapse of time in between, we do not think it necessary to go into the merits of the rival contentions.

We, therefore, dispose of this appeal directing the Registry to post the writ petition itself for hearing, so that, instead of the parties

W.A.No.1256/10

: 2 :

agitating their rights relying on the interim order, they can get the writ petition itself disposed of finally.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge