

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 1150 of 2009 (J)

PETITIONER(S):

1. GOPALAPILLA, AMBAZHAVELIL KINARUVILAYIL,
MANKAMKUZHY P.O, MAVELIKKARA.
2. ANIJA, D/O.GOPALAPILLA,
AMBAZHAVELIL KINARUVILAYIL,
MANKAMKUZHY P.O., MAVELIKKARA.
3. JAYAPRABHA, W/O.JAYARAJ,
AMBAZHAVELIL KINARUVILAYIL,
MANKAMKUZHY P.O., MAVELIKKARA.

**BY ADVS.SRI.GEORGE VARGHESE (PERUMPALLIKUTTIYIL),
SRI.A.R.DILEEP,
SMT.SURYA SASI.**

RESPONDENT(S):

1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
IN THE DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
2. DISTRICT COLLECTOR, ALAPPUZHA DISTRICT.
3. TAHSILDAR, MAVELIKKARA TALUK, ALAPPUZHA.
4. DISTRICT SURVEY SUPERINTENDENT, ALAPPUZHA.
5. ASSISTANT EXECUTIVE ENGINEER,
PWD ROADS SUB DIVISION, MAVELIKKARA.

BY GOVT. PLEADER SRI.S. JAMAL.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE SALE DEED NO.3178/86 DATED 17/10/1986.
- EXT.P2 COPY OF THE SALE DEED NO.1918/59 DATED 28/05/1959.
- EXT.P3 COPY OF THE PARTITION DEED NO.26/64 DATED 02/04/1964.
- EXT.P4 COPY OF THE SURVEY PLAN OF THE PROPERTY COMPRISED
IN SY. NO.437/4.
- EXT.P5 COPY OF THE SETTLEMENT DEED NO.404/98 DATED 17/02/1998
OF THE SUB REGISTRAR'S OFFICE, MAVELIKKARA.
- EXT.P6 COPY OF THE SALE DEED NO.405/98 OF THE SRO, MAVELIKKARA.
- EXT.P7 COPY OF THE LOCATION SKETCH PREPARED BY THE
PETITIONERS, SHOWING LIE OF THE PROPERTY.
- EXT.P8 COPY OF THE LAND TAX RECEIPTS EVIDENCING REMITTANCE
OF BASIC LAND TAX BY THE PETITIONERS.
- EXT.P9 COPY OF THE COMMUNICATION NO.AB1.134/58/2007
DATED 02/06/2007.
- EXT.P10 COPY OF THE RESURVEY PLAN WITH RESPECT TO THE PROPERTY.
- EXT.P11 COPY OF THE REPLY SUBMITTED BY THE 1ST PETITIONER TO
THE 5TH RESPONDENT.
- EXT.P12 COPY OF THE MANUSCRIPT OF GO(MS) NO.35/2008/PWD
DATED 29/08/2008.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

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Dated this the 16th day of July, 2015

J U D G M E N T

The petitioners are concerned with Ext.P9 notice and Ext.P12 order of the Government. Ext.P9 is a notice issued under the Kerala Land Conservancy Act, 1957, for effecting eviction from a land for the purpose of construction of a Police Station. Ext.P12 permission was granted for such construction. The petitioners' contention is that, the Police Station is going to be constructed in his land and objections to the notice have not been considered.

2. The counter affidavit filed by the 5th respondent specifically indicates that on the notice dated 02.06.2007 being issued, the petitioners had given a reply saying that they have no property in the above survey number. However the 1st

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petitioner's objection is produced at Ext.P11. In such circumstance, if objections are raised they ought to be considered. If the Government even now intends to proceed with the construction of the Police Station, it is made clear that this Court has not spoken on the merits of the matter. The writ petition would stand disposed of with observations that if proceedings are proposed, then necessarily the petitioners should be issued with notice.

The writ petition is closed.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //

PA to Judge.