

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WA.No. 743 of 2015 () IN WP(C).4866/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 4866/2015 of HIGH COURT OF KERALA

APPELLANT(S) :

NADESAN, AGED 53 YEARS,
S/O.PULAYANCHIRAYIL KUMARAN,
PULAYANA CHIRAYIL HOUSE,
MUHAMMA PO, ALAPPUZHA DISTRICT-688 525.

BY ADVS.SRI.P.R.SREEJITH
SRI.M.PROMODH KUMAR
SMT.MAYA CHANDRAN

RESPONDENT(S) :

1. JOHNY MATHEW, AGED 35 YEARS,
S/O.V.U.MATHEW, MARANATTU HOUSE,
MUHAMMA P.O-688 525
NOW RESIDING AT 160N, SPRINGER RD,
LOS ALTOS, CA 94024, UNITED STATES OF AMERICA,
REP.BY HIS POWER OF ATTORNEY HOLDER C.M.LUKOSE,
S/O.MATHAI, CHIREVELY, MUHAMMA P.O-688 525.
2. THE DISTRICT COLLECTOR,
ALAPPUZHA DISTRICT, ALAPPUZHA-688 001.
3. THE DEPUTY DIRECTOR OF FISHERIES DEPARTMENT,
ALAPPUZHA-688 001.
4. THE ASSISTANT EXECEUTIVE ENGINEER, KERALA STATES
ELECTRICITY BOARD, CHERTHALA DIVISION-688 524.
5. THE SECRETARY,
MUHAMMA GRAMA PANCHAYAT,
MUHAMMA P.O-699 525.
6. THE SUB INSPECTOR OF POLICE,
MUHAMMA POLICE STATION, MUHAMMA PO-688 525.
7. THE DISTRICT POLICE CHIEF, ALAPPUZHA DISTRICT-688 001.

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8. PRASAD, S/O.PULAYANCHIRAYIL KUMARAN,
PULAYANA CHIRAYIL HOUSE,
MUHAMMA PO, ALAPPUZHA DISTRICT-688 525.
9. CHAKRAPANI, S/O.KAYICHHIRAYIL KUMARAN,
KAYICHIRAYIL HOUSE, MUHAMMA PO,
ALAPPUZHA DISTRICT-688 525.

R2, R3, R6 AND R7 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
BY SRI.K.V.SOHAN
R4 BY SMT.NAZEEBA.O.H., KERALA STATE ELECTRICITY BOARD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA.No. 743 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-1: COPY OF APPELLANT'S MEMBERSHIP NO.2606 WITH KERALA FISHERMEN WELFARE BOARD ALONG WITH ENGLISH TRANSLATION OF RELEVANT EXTRACTS.

ANNEXURE02: COPY OF APPELLANT'S CURRENT RECEIPT OF LICENSE FEES FOR THE NET (CALLED NET PASS-2014-15) DATED 24.9.2014 ALONG WITH ENGLISH TRANSLATION OF RELEVANT ENTRY.

/TRUE COPY/

PS TO JUDGE

ASHOK BHUSHAN, C.J & A.M.SHAFFIQUE, J

W.A.No.743 of 2015

Dated this the 27th March, 2015

JUDGMENT

Shaffique, J.

Seventh respondent in the Writ Petition is the appellant. The Writ Petition was filed by the first respondent herein seeking for a direction to respondents 1, 2 and 4 to take appropriate steps to remove the Chinese fishing nets illegally erected by respondents 7 to 9 in Vembanad lake with the assistance of respondents 5 and 6 and for other reliefs.

2. After considering the matter, the learned Single Judge felt necessary that Exhibit P4 representation submitted before the first respondent District Collector requires to be disposed of after hearing the petitioner and the affected parties. Accordingly, a direction had been issued to the first respondent to consider Exhibit P4 after notice to all the parties, including the appellant herein.

3. The issue projected by the petitioner relates to an allegation of encroachment, by which respondents 7 to 9 have erected Chinese net in an area for which it is alleged that they have no right. This apparently is a matter to be considered by the competent authority and since the learned Single Judge has directed the first respondent to consider the same, we do not find any error in the judgment, which requires interference exercising appellate jurisdiction. We find that no grounds are made out to interfere with the judgment of the learned Single Judge. Accordingly, the Writ Appeal is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs27/3/15