

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WA.No. 1270 of 2015

WP(C) 4105/2013, DATED 01-04-2015

APPELLANT(S)/PETITIONER:

**KUMARAN, AGED 63 YEARS,
S/O.PARUKKUTTY AMMA, IDATHODIMUNDATH HOUSE,
DESAMANGALAM VILLAGE, TALAPPILLY TALUK, THRISSUR**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA**

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT INSTITUTIONS,
SECRETARIAT, THIRUVANANTHAPURAM 695001.**
- 2. DESAMANGALAM GRAMA PANCHAYAT,
DESAMANGALAM PO, THRISSUR 679532,
REPRESENTED BY ITS SECRETARY.**
- 3. THE SECRETARY,
DESMANGALAM GRAMA PANCHAYAT, DESAMANGALAM PO,
THRISSUR 679532.**
- 4. NABEESA,
D/O.PARAKKAL MARAKKAR, DESAMANGALAM VILLAGE,
THALAPPILLY TALUK, THRISSUR 679532.**
- 5. NABEESA
W/O.PARAKKAL KUNJUMOIDEEN, DESAMANGALAM VILLAGE,
THALAPPILLY TALUK, THRISSUR 679532.**

**R1 BY SPECIAL GOVERNMENT PLEADER SMT.GIRIJA GOPAL
R2 & 3 BY SRI.P.C.SASIDHARAN
R4 & 5 BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 24-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.A. No. 1270 of 2015

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Dated this, the 24th day of June, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the appellant and the learned Special Government Pleader.

2. This writ appeal has been filed against the judgment dated 1st of April, 2015 in W.P (C) No. 4105/2013. Petitioner had filed the writ petition challenging Ext.P4 order passed by the Ombudsman for Local Self Government Institutions where the Ombudsman directed the Panchayat to implement the order passed by it directing for eviction of the writ petitioner, who was impleaded as 2nd respondent in the OP. Petitioner challenged the said order. Learned Single Judge has disposed of the writ petition permitting the Panchayat to proceed in accordance with Ext.P4 order. Learned counsel for the appellant submits that a suit has already been filed by the petitioner, being OS No.92/13, which is posted for evidence. Hence learned Single Judge ought not have

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issued the said direction.

3. We have considered the submission and perused the records.

4. The mere fact that a suit has been filed by the petitioner was not a sufficient ground to postpone the implementation of the decision of the Panchayat by which eviction was ordered from puramboke land. It is not even disputed that the petitioner is occupying the puramboke land without any right. We do not find any error in the judgment of the learned Single Judge which may warrant interference by this Court. The Court has already protected the interest of the petitioner by observing that eviction shall be undertaken unless there is an order of injunction or stay by any court.

Writ appeal is dismissed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge