

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WA.No. 1984 of 2015 IN WP(C).10296/2015

AGAINST THE JUDGMENT IN WP(C) 10296/2015 DATED 15-07-2015

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APPELLANTS/WRIT PETITIONER :

SANTHOSH K.G

S/O. GEORGE, KAVUMKARAYIL HOUSE, MEMURI VILLAGE
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.DILISH JOHN

RESPONDENTS/RESPONDENTS :

1. M/S. MATHA GRANITES

OORAMANA P.O., RAMAMANGALAM, ERNAKULAM-686730

REPRESENTED BY ITS MANAGING PARTNER, MR. K.S.PAULOSE
AGED 45 YEARS, S/O. SCARIA.

2. RAMAMANGALAM GRAMA PANCHAYAT

REPRESENTED BY ITS SECRETARY

RAMAMANGALAM GRAMA PANCHAYATH OFFICE

RAMAMANGALAM P.O., ERNAKULAM DISTRICT-686663.

3. THE PRESIDENT

RAMAMANGALAM GRAMA PANCHAYATH

RAMAMANGLAM GRAMA PANCHAYATH OFFICE

RAMAMANGALAM P.O., ERNAKULAM DISTRICT-686663.

4. THE VILLAGE OFFICER

MEMURI VILLAGE OFFICE, PAMPAKKUDA, ERNAKULAM DISTRICT.

R1 BY ADV. SRI.JOBI JOSE KONDODY

R2 & R3 BY ADV. SRI.JIBU P THOMAS

SRI.K.RAJESH KANNAN

R4 BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 18-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

APPELLANT'S EXHIBITS :

ANNEXURE 1 : TRUE COPY OF THE ROAD REGISTER OBTAINED FROM THE
GRAMA PANCHAYAT.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

**ASHOK BHUSHAN, C.J &
K. VINOD CHANDRAN, J.**

W.A. No.1984 of 2015

Dated this the 18th day of September 2015

J U D G M E N T

Ashok Bhushan, CJ.

This writ appeal has been filed against the judgment dated 15.7.2015 in W.P.(C) No.10296 of 2015. The writ petition was filed by the first respondent herein seeking to quash Ext.P3, a location sketch prepared by the Village Officer, marking the road as a public road. The petitioner submits that the private road has been wrongly marked as panchayat road. The said private road was laid through the middle of the petitioner's property for the purpose of plying his vehicles alone, is the contention.

2. Learned counsel for the appellant submits that the road, which is marked as a panchayat road is actually a panchayat road and is so included in the register. He submits that the learned Single Judge made certain observations in paragraph 9, which may affect the correct position. The learned Single Judge, by the said judgment has quashed Ext.P3 and directed the 3rd respondent to consider the representation submitted by the petitioner afresh and take a decision regarding ownership of the

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road, after obtaining necessary report from respondents 1 and 2. Thus, the 4th respondent Village Officer has to take a decision, after obtaining report from respondents 2 and 3 herein.

3. In the above view of the matter, we are of the view that ends of justice would be served in giving an opportunity to the appellant so as to submit his representation before the 4th respondent and submit such other materials as may be required. We further, observe that the 4th respondent shall decide the matter without being influenced by any observation made by the learned Single Judge in the judgment dated 15.7.2015, after considering the materials and reports on record. The Village Officer shall proceed to dispose of the representation submitted by the appellant within one month from the date of production of a copy of this judgment.

This writ appeal is disposed of as above.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**K. VINOD CHANDRAN
JUDGE**