

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

W.P.(C).No. 178 of 2015 (V)

PETITIONER(S):

**VALSAMMA SOMAN, AGED 64 YEARS,
INDU KAILAS, VAZHAPPALLY, CHANGANASSERY.**

BY ADV. SRI.S.MANU

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
REVENUE DEAPRTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001.**
- 2. THE DISTRICT COLLECTOR ,
KOTTAYAM, COLLECTORATE, KOTTAYAM 686 002.**
- 3. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM, OFFICE OF THE RDO, KOTTAYAM 686 002.**
- 4. THE TAHASILDAR,
CHANGANASSERY TALUK OFFICE, CHANGANASSERY 686 101.**

BY GOVERNMENT PLEADER, SRI. K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.T.O.

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.178 OF 2015

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Dated this the 27th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"(i) To issue a writ of mandamus or any other appropriate writ order or direction directing the respondents not to take any coercive steps against the petitioner for evicting her from the alleged encroachment in Re.Sy No.1 in Block No.23 of Vazhappally East Village, without issuing copy of the orders/proceedings if any passed against her and providing her sufficient time from the date of service of the copy of the order/proceeding to avail statutory remedies.

(ii) To pass such other orders and to grant such other reliefs as this Hon'ble Court may deem fit in the fact and circumstances of the case."

2. The learned counsel for the petitioner submits that on an earlier instant, leading to Ext.P4 proceedings issued by the 4th Respondent as early as on 14.06.2007, the petitioner was compelled to approach this Court by filing W.P.(C) No.19296 of 2007, which culminated in Ext.P6 judgment, whereby the impugned proceedings were set aside. As per the said

judgment, the concerned respondent was directed to consider the matter afresh on merits, after providing an opportunity of hearing to the petitioner, leaving all the issues open.

3. It is stated that pursuant to Ext.P6 judgment, a notice was served to the petitioner as to the hearing scheduled to be conducted by the 4th respondent and this was on 16.06.2011. The petitioner appeared before the said respondent and a detailed statement of objections was filed as borne by Ext.P7. But the proceedings are still to be finalised and no order has been passed or served to the petitioner so far. Without completing the proceedings, some body engaged by the respondents came to the premises of the petitioner threatening that she will be evicted from the premises as the proceedings have already come to a finality. This made the petitioner to approach this Court by filing this writ petition.

4. Heard the learned Government Pleader as well. Despite the two adjournments, no instructions are forthcoming. The factual position as disclosed from the materials on record persuades this Court to conclude that the proceedings are still to be completed pursuant to Ext.P6 judgment. If the same is still to be finalised, no coercive steps

shall be taken against the petitioner. On the other hand, if the proceedings have already come to a finality by passing appropriate orders as ordered by this Court vide Ext.P6 judgment, a copy of the same shall be served to the petitioner forthwith, so as to enable the petitioner to pursue appropriate remedy in accordance with law. This shall be done at the earliest, at any rate, within a period of one month from the date of receipt of a copy of this judgment. '*Status quo*' will remain till such time.

5. The writ petition is disposed of accordingly.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 4th Respondent, for further steps.

Sd/-
P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. To Judge

St/-