

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 183 of 2015 (W)

PETITIONER(S) :

**M.P.VARGHESE, S/O.POULO,
MULAVARIYKAL HOUSE, PIRAROOR P.O,
KUTTILIKKARA, KALADY, ERNAKULAM DISTRICT- 683 574.**

**BY ADVS.SRI.E.C.POULOSE
SMT.BOBBO RAPHEAL.C**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, LAND AND REVENUE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI, KOCHI - 682 001, ERNAKULAM DISTRICT.**
- 3. THE ADDITIONAL TAHSILDAR
ALUVA, ERNAKULAM DISTRICT.**
- 4. THE VILLAGE OFFICER,
MATTOOR VILLAGE, ERNAKULAM DISTRICT.**
- 5. POULOSE,
S/O.OUSEPH, PUTHUSSERY HOUSE, PIRAROOR P.O, KALADY,
ERNAKULAM DISTRICT -683 574.**

*** ADDITIONAL R6 IMPEADED**

- 6. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION, KAKKANAD,
ERNAKULAM-682 030.**

*** ADDITIONAL R6 IS IMPEADED AS PER ORDER DATED 23.03.2015 IN
I.A.NO.4085 OF 2015.**

**R1 TO R4 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R5 BY ADVS. SRI.N.MANOJ KUMAR
SMT.JAYASREE MANOJ**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE COMPLAINT DATED 19.07.2012 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P2: TRUE COPY OF THE REPLY DATED 29.05.2013 OF THE 2ND RESPONDENT.
- EXT.P3: TRUE COPY OF THE DIRECTION OF THE 2ND RESPONDENT TO THE 3RD RESPONDENT.
- EXT.P4: TRUE COPY OF THE RECEIPT ISSUED BY THE KALADY POLICE STATION.
- EXT.P5: TRUE COPY OF THE COMPLAINT DATED 28.11.2014 FILED BY THE PETITIONER BEFORE THE KALADY POLICE STATION.
- EXT.P6: TRUE COPY OF THE MASS PETITION DATED 08.12.2014 ALONG WITH THE RECEIPT ISSUED BY THE KALADY POLICE STATION.
- EXT.P7: TRUE COPY OF THE EXECUTION PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT IN K/9667/2012 DATED 09.12.2014.

RESPONDENT(S)' EXHIBITS

- EXT.R5(A): TRUE COPY OF THE REPORT DATED 09.10.2012 SUBMITTED BY THE ADDL. TAHASILDAR, ALUVA TO THE SUB COLLECTOR, FORT KOCHI.
- EXT.R5(B): TRUE COPY OF THE COMPLAINT DATED 24.04.2013 SUBMITTED BY THRESSIONMA PAULOSE BEFORE THE REVENUE DIVISIONAL OFFICER, FORT KOCHI.

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON J.

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Dated, this the 23rd day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to consider and pass orders on Ext. P7 within a time frame fixed by this Hon'ble Court.

And

(ii) Issue such other writ, order or direction which this Hon'ble Court may deem fit and proper on the facts and circumstances of this case and in the interest of justice."

2. The grievance of the petitioner is with regard to no-execution of order bearing No. K/9667/2012 dated 24.04.2013 even after filing Ext. P7 execution petition before the second respondent. The learned counsel for the petitioner submits that the only prayer now pressed before this Court is to cause Ext. P7 to be considered by the second respondent within a reasonable time.

3. Heard the learned counsel for the 5th respondent as well as the learned Government Pleader appearing for the other respondents.

4. It is brought to the notice of this Court that in pursuance of Ext. P7, a report has already been forwarded to the District Collector. The learned counsel appearing for the 5th respondent submits that the said respondent has also preferred Ext. R5(b) petition before the second respondent.

5. After hearing both the sides, this Court finds it fit and proper to cause the matter to be considered by the District Collector/additional 6th respondent. In the said circumstances, there will be a direction to the second respondent to forward Ext.P7 representation preferred by the petitioner and Ext. R5(b) complaint preferred by the 5th respondent along with relevant materials to the additional 6th respondent forthwith, at any rate, within two weeks from the date of receipt of a copy of this judgment. On receipt of the proceedings as above, the addl. 6th respondent shall consider the matter and pass appropriate orders thereon in accordance with law; after hearing the petitioner, 5th respondent and other interested parties, if any, at the earliest, at any rate, within six

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weeks from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

The writ petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd