

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937**

**WP(C).No. 387 of 2015 (W)**  
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**PETITIONER(S):**  
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**C.K.BABURAJ,  
S/O.BALAKRISHNAN, CHALIL PARAMBA HOUSE,  
CHEVAYUR (P.O.), KOZHIKODE-673 017.**

**BY ADVS.SRI.NIDHI BALACHANDRAN  
SRI.SABU GEORGE**

**RESPONDENT(S):**  
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- 1. THE STATE OF KERALA,  
REPRESENTED BY IT'S SECRETARY TO GOVERNMENT,  
DEPARTMENT OF REVENUE, SECRETARIAT,  
THIRUVANANTHAPURAM-695 001.**
- 2. SECRETARY TO GOVERNMENT,  
DEPARTMENT OF PUBLIC WORK DEPARTMENT, SECRETARIAT,  
THIRUVANANTHAPURAM-695 001.**
- 3. THE DISTRICT COLLECTOR,  
CIVIL STATION, MALAPPARAMBA, KOZHIKODE-673 020.**
- 4. THE CORPORATION OF KOZHIKODE,  
REPRESENTED BY IT'S SECRETARY, CORPORATION OFFICE,  
KOZHIKODE-673 001.**
- 5. THE TAHSILDAR,  
TALUK OFFICE, CIVIL STATION, KOZHIKODE-673 020.**
- 6. THE REVENUE DIVISIONAL OFFICER,  
CIVIL STATION, KOZHIKODE-673 020.**
- 7. THE ASSISTANT EXECUTIVE ENGINEER,  
PWD ROAD SUB DIVISION, PUBLIC WORKS DEPARTMENT,  
PUTHIYARA, KOZHIKODE-673 004.**

**msv/**

**WP(C).No. 387 of 2015 (W)**  
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\*       **ADDITIONAL R8 IMPEADED**

**8. VASUDEVAN, PROPRIETOR,  
VASUDEVEN MOTOR WORKSHOP,  
CHANDAPARAMBU JUNCTION, CHEVAYUR,  
KOZHIKODE - 673 017.**

\*       **ADDITIONAL R8 IMPEADED AS PER ORDER DTD.14.1.2015 IN IA.NO.404/2015.**

**R1-R3 & R5-R7 BY GOVERNMENT PLEADER SRI.MANOJ M.KUNJACHAN  
R4 BY ADV. SRI.K.D.BABU, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

**WP(C).No. 387 of 2015 (W)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT-P1: TRUE COPY OF THE JUDGMENT DATED 9/10/14 IN RSA 1037/14 OF THIS HON'BLE COURT.**

**EXHIBIT-P2: TRUE COPY OF THE REPRESENTATION DATED 29/6/2013 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.**

**EXHIBIT-P3: TRUE COPY OF THE REPRESENTATION DATED 25/10/13 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.**

**EXHIBIT-P4: TRUE COPY OF THE REPRESENTATION DATED 9/1/2014 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.**

**EXHIBIT-P5: TRUE COPY OF THE APPLICATION DATED 16/5/2014 SUBMITTED UNDER RIGHT TO INFORMATION ACT.**

**EXHIBIT-P6: TRUE COPY OF THE REPLY ISSUED FROM THE OFFICE OF THE 4TH RESPONDENT ON 17/6/14 TO THE PETITIONER.**

**EXHIBIT-P7: TRUE COPY OF THE REPRESENTATION DATED 8/12/2014 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.**

**EXHIBIT-P8: TRUE COPY OF THE REPRESENTATION DATED 15/12/14 SUBMITTED BY THE PETITIONER BEFORE THE 4TH AND 3RD RESPONDENTS.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

Msv/

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C)No.387 of 2015**

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Dated this the 24<sup>th</sup> day of November, 2015

**JUDGMENT**

The petitioner approached the third respondent-District Collector by Ext.P3 alleging trespass and unauthorised construction of building in the Government land.

2. According to the petitioner, several persons have encroached upon the Government land. It is further submitted that on account of encroachment, ingress and egress to the petitioner's property has been blocked.

Considering the nature of allegation in Ext.P3, appropriate decision shall be taken by the District Collector after hearing the petitioner and the alleged encroachers. It is open for the District Collector to relegate the matter to any subordinates to initiate action in this regard. However, on enquiry, if it is found that there are any encroachment, necessary action shall be taken to remove the encroachment within three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**