

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 600 of 2015 (Y)

PETITIONER:

**M.T. HAMZA AGED 56 YEARS
S/O.VEERAN, PALAKKOTTUMMEL HOUSE, CHEEKKODE POST
MALAPPURAM 673 638.**

**BY ADVS.SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR
CIVIL STATION, UPHILL, MALAPPURAM 676 505**
- 2. THE VAZHAKKAD GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, VAZHAKKAD POST
MALAPPURAM DISTRICT 673 640**
- 3. THE SECRETARY
THE VAZHAKKAD GRAMA PANCHAYATH, VAZHAKKAD POST
MALAPPURAM DISTRICT 673 640**
- 4. MOOSA MAOULAVI
S/O.MOHAMMED HAJI, MANJATTUPARAMBAN, OLAVATTUR POST
MALAPPURAM DISTRICT 673 640**

R BY GOVERNMENT PLEADER SMT CK SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

kkj

WP(C).No. 600 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 COPY OF THE ORDER IN IA NO.209/2014 IN RCA NO.7/2014 DATED
1/3/2014 OF THE RENT CONTROL APPELLATE AUTHORITY,MANJERI**
- EXHIBIT P2 COPY OF THE DIALYSIS HANDBOOK WITH DAILY REPORT OF
VELAYUDHAN**
- EXHIBIT P3 COPY OF THE APPLICATION FOR POSSESSION CERTIFICATE
SUBMITTED BY THE PETITIONER DATED 14/3/2013**
- EXHIBIT P4 COPY OF THE NOTICE OF THE 2ND RESPONDENT DATED 24/12/2014
WITH ENGLISH TRANSLATION**
- EXHIBIT P5 COPY OF THE JUDGMENT IN WRIT PETITION NO. 25955/2014 DATED
8/10/2014 OF THIS HON'BLE COURT**
- EXHIBIT P6 COPY OF THE COMPLAINT OF VELAYUDHAN FORWARDED TO THE
2ND RESPONDENT BY THE 1ST RESPONDENT DATED 29/7/2014 WITH
ENGLISH TRANSLATION**

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

PA TO JUDGE

K.SURENDRA MOHAN, J.

W.P.(C) No.600 of 2015-Y

Dated this the 12th day of January, 2015

J U D G M E N T

The petitioner has filed this writ petition challenging Exhibit P4 notice dated 24.12.2014. It is alleged by the counsel for the petitioner that, in Exhibit P4, a decision has already been taken by the third respondent, to demolish the petitioner's shed. It is also pointed out by the counsel that, though it has been stated in Exhibit P4 that, this Court has directed the shed to be demolished, a perusal of Exhibit P5 judgment does not reveal any such direction. Therefore, it is contended that, Exhibit P4 is unsustainable and liable to be set aside. The counsel further points out that, the person who is in occupation of the shed has submitted Exhibit P6 which also requires consideration of the third respondent. The Government Pleader appears for the first respondent.

2. Heard. A perusal of Exhibit P4 shows that, the same is only a show cause notice. No decision prejudicial to

the interests of the petitioner has been taken so far. It is true that, Exhibit P4 refers to Exhibit P5 judgment and concludes that this Court has already directed demolition of the shed, which is not correct. As per Exhibit P5 judgment, this Court has only directed the third respondent to finalize the proceedings initiated, after affording an opportunity of being heard to petitioner herein also. Since no decision prejudicial to the interests of the petitioner has been taken in Exhibit P4, I am not satisfied that any interference with the same is required, at this stage. It is for the petitioner to show cause against Exhibit P4, attend the hearing and to apprise the third respondent of the actual state of affairs. Of course, the petitioner would be at liberty to challenge any final order that may be passed in the matter.

3. In view of the above, it is sufficient that this writ petition is disposed of directing the third respondent to finalise the proceedings in accordance with observations made hereinabove.

This writ petition is therefore disposed of directing the petitioner to show cause against Exhibit P4 within a period of ten days from today. The third respondent shall afford the petitioner an opportunity of being heard and pass final orders in the matter pursuant to Exhibit P4 thereafter. The third respondent shall consider Exhibit P6 also. Orders as indicated above shall be passed, as expeditiously as possible and at any rate within a period of one month of the date of receipt of a copy of this judgment.

Sd/-
K.SURENDRA MOHAN,
JUDGE

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