

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 609 of 2015 (A)

PETITIONER :

**'JANASHAKTHI',
REG.NO.5/26701/94
NEW DELHI, REPRESENTED BY MR. M.L. AUGUSTHY
SECRETARY, JANASHAKTHI, KERALA STATE COMMITTEE
RESIDING AT MAMPAL HOUSE
KAITHOTTY P.O., IDUKKI DISTRICT,
PIN - 685 507.**

BY ADV. SRI. A.B. JALEEL

RESPONDENT(S) :

- 1. VODAFONE ESSAR CELLULAR LTD.
DL-5115, ASHIS BUILDING, SHANMUGHAM ROAD
KOCHI - 682 031.
BY ITS DEPUTY GENERAL MANAGER.**
- 2. THE REVENUE DIVISIONAL OFFICER
REVENUE DIVISIONAL OFFICE
IDUKKI DISTRICT, PIN - 685 603.**
- 3. THE DISTRICT COLLECTOR, IDUKKI
CIVIL STATION, IDUKKI-685 582.**
- 4. THE COMMISSIONER OF LAND REVENUE
PUBLIC OFFICE BUILDING, MUSEUM JUNCTION
THIRUVANANTHAPURAM - 695 533.**
- 5. MATHAI KURIAKOSE
CHEMBAKATHINAL HOUSE, VANNAPURAM P.O.
IDUKKI DISTRICT - 685 582.**
- 6. STATE OF KERALA
REP. BY ITS SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.**

R2 TO R4 & R6 BY SR. GOVT. PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 609 of 2015 (A)

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P-1: TRUE COPY OF THE ORDER HAVING NO.B2-1844/11 DATED 24.6.2011.

**EXT.P-2: TRUE COPY OF THE JUDGEMENT DATED 13.7.2011 IN WPC
NO.19002/11.**

**EXT.P-3: TRUE COPY OF THE ORDER PASSED BY THE SUB COLLECTOR,
IDUKKI DATED 4.1.2012.**

EXT.P-4: TRUE COPY OF THE ORDER DATED 8.6.2012.

**EXT.P-5: TRUE COPY OF REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 2ND, 3RD AND 4TH RESPONDENT DATED 23.10.2014**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 609 of 2015

Dated this the 8th day of January, 2015

J U D G M E N T

A 'Mobile Tower' was put up by the 1st respondent allegedly on Government Property having an extent of 0.4981 hectars in Sy.No.1478/IA of Vannapuram Village in Thodupuzha Taluk, Vannapuram Panchayat, by making encroachment, which in turn was acted upon and the 2nd respondent, who passed Ext.P1 order dated 24.06.011, directing the 1st respondent to have it removed. This was sought to be challenged by the 1st respondent by filing WP(C) No.19002 of 2011, before this Court. The said writ petition was disposed of as per Ext.P2 judgment, whereby the additional 6th respondent – District Collector was directed to consider and pass appropriate orders in the appeal, however granting interim stay in the meanwhile. The appeal was considered by the District Collector, who passed Ext.P3 order dated 04.01.2012 dismissing the appeal and the Tahsildar was directed to take necessary steps to evict the encroachers from the Government land in accordance with the relevant provisions of law. Met with the situation, the 1st respondent pursued the matter further by way of revision before the 4th respondent. After hearing both the sides the Revision Petition was disposed of as per Ext.P4 order dated 08.06.2012,

whereby the matter was remanded to the 2nd respondent for fresh consideration, giving some specific directions. The grievance of the petitioner is with regard to the inordinate delay in finalizing the proceedings by the 2nd respondent and hence the writ petition.

2. Heard the learned Government Pleader as well.

3. In view of the limit extent of relief sought for and proposed to be given, this Court does not find it necessary to issue notice to the 1st respondent or the 5th respondent

4. The writ petition is disposed of, directing the 2nd respondent to pass fresh orders pursuant to Ext.P4 order of remand, in accordance with law, after hearing all the parties concerned including the petitioner, 1st respondent, 5th respondent and other interested parties, if any. The proceedings as above, shall be finalized, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.