

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. 648 of 2015 (E)

PETITIONER(S):

**JIBI THOMAS, AGED 47 YEARS
S/O.T.DAVIS THOMAS, RESIDING AT 2958/B/35
PIPE LINE ROAD, PALARIVATTOM, ERNAKULAM
KOCHI-25, POONITHURA VILLAGE, KANAYANNUR TALUK.**

**BY ADVS.SRI.K.C.ELDHO
SRI.JIJO THOMAS
SRI.MALLENATHAN.M.
SRI.ANEESH JAMES
SRI.ANIL R.NATH**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR
ERNAKULAM CIVIL STATION, KAKKANAD PO,
ERNAKULAM KOCHI-30.**
- 2. GREATER COCHIN DEVELOPMENT AUTHORITY
REPRESENTED BY ITS SECRETARY, P.B.NO.2012,
KADAVANTHARA, ERNAKULAM, KOCHI-20.**
- 3. THE SECRETARY,
GREATER COCHIN DEVELOPMENT AUTHORITY, P.B.NO.2012,
KADAVANTHARA, ERNAKULAM, KOCHI-20.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT
R2 & 3 BY SRI.JIMMY GEORGE**

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

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - A TRUE COPY OF THE LEASE DEED NO.3913 OF 2014 OF SRO
 ERNAKULAM**
- EXT.P2 - A TRUE COPY OF THE LEASE DEED NO.1980 OF 2010 OF SRO
 ERNAKULAM**
- EXT.P3 - A TRUE COPY OF THE RECEIPTS DATED 27-11-2014 ISSUED BY THE
 2ND RESPONDENT**
- EXT.P4 - PHOTOGRAPHS SHOWING THE FRONTAGE OF SHOP ROOMS NO.D3
 AND D4**
- EXT.P5 - A TRUE COPY OF THE NOTICE DATED 17-09-2014 ISSUED BY THE 3RD
 RESPONDENT**
- EXT.P6 - A TRUE COPY OF THE REPLY DATED 25-09-14 GIVEN BY THE
 PETITIONER**
- EXT.P7 - A TRUE COPY OF THE RECEIPT DATED 26-9-2014 ISSUED BY THE 2ND
 RESPONDENT**
- EXT.P8 - A TRUE COPY OF THE ORDER NO.10036/C.19/96/GCDA DATED
 29-11-2014 OF THE 2ND RESPONDENT**
- EXT.P9 - A TRUE COPY OF THE APPEAL DATED 22-12-2014 SUBMITTED BY THE
 PETITIONER BEFORE THE 1ST RESPONDENT**
- EXT.P10 - A TRUE COPY OF THE STAY PETITION DATED 22-12-2014 SUBMITTED
 BY THE PETITIONER BEFORE THE 2ND RESPONDENT**
- EXT.P11 - A TRUE COPY OF THE ACKNOWLEDGMENT CARD**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 648 of 2015

Dated this the 8th day of January, 2015

J U D G M E N T

Ext.P8 order passed by the 3rd respondent on 29.11.2014 under the relevant provisions of the Kerala Public Buildings (Eviction of Unauthorised Occupants) Act, 1968, is under challenge by way of Ext.P9 appeal preferred by the petitioner before the 1st respondent, who is the appellate authority. Even though the petitioner has moved the said authority by filing Ext.P10 petition for stay, the receipt of which is evident from Ext.P11 Acknowledgment Card, no order has been passed in the petition for stay. Because of the coercive proceedings, the petitioner is compelled to approach this Court by filing this writ petition.

2. Heard the learned counsel for the petitioner, learned standing counsel appearing for the GCDA and learned Government Pleader appearing for the 1st respondent.

3. After hearing both the sides, since it is a statutory appeal and further proceedings will depend upon the outcome of the appeal, there will be a direction to the 1st respondent to pass

final orders on Ext.P9 appeal in accordance with law, after hearing both the sides. It shall be done, at the earliest, at any rate, within a period of 'two months' from the date of receipt of a copy of this judgment.

Coercive proceedings, if any, pursuant to Ext.P8 shall be kept in abeyance till such time. The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

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