

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 713 of 2015 (L)

PETITIONER :

**JOY SEBASTIAN,
S/O. DEVASSY, AGED 59 YEARS,
RESIDING AT KAPYARU MALAYIL,
ARAKUZHA VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM.**

BY ADV. SRI.P.M.SEBASTIAN

RESPONDENT(S):

- 1. ARAKUZHA GRAMA PANCHAYATH,
REPRESENTED BY THE SECRETARY, ARAKUZHA P.O.,
MUVATTUPUZHA - 686 661.**
- 2. THE TAHSILDAR,
TALUK OFFICE, MUVATTUPUZHA, PIN-686 661.**
- 3. THE DISTRICT COLLECTOR,
ERNAKULAM (DT), KAKKANAD, ERNAKULAM - 682 030.**
- 4. TALUK SURVEYOR,
MUVATTUPUZHA TALUK, MUVATTUPUZHA -686 661.**

R1 BY ADVS. SRI.REJI GEORGE

SRI.GOPAKUMAR G. (ALUVA)

R2 TO R4 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 713 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 30/01/2014.**
- EXHIBIT-P2- TRUE COPY OF THE PETITION DATED 12/02/2014 SUBMITTED BEFORE
THE 1ST RESPONDENT**
- EXHIBIT-P3- TRUE COPY OF THE PETITION DATED 28/03/2014 FILED BEFORE THE
3RD RESPONDENT.**
- EXHIBIT-P4- TRUE COPY OF THE LETTER ISSUED TO THE PETITION BY THE
1ST RESPONDENT DATED 06/08/2014.**
- EXHIBIT-P5- TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT
DATED 29/09/2014.**

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

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 713 of 2015

Dated this the 4th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“a. To issue a writ of mandamus or any other appropriate writ order or direction, directing the 1st and 2nd respondents to take immediate steps pursuant to Ext.P2, Ext.P1 petitions.

b. To issue a writ of mandamus or any other appropriate writ order or direction, directing the 1st and 2nd respondents to measure and identify the Purampoke land, public tank and canal situated in Sy.No.81/3A in Arakuzha Village.

c. To issue a writ of mandamus or any other appropriate writ order or direction, directing the respondents to evict the encroachers of the purampoke land in accordance with the rules.”

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the 1st respondent and the learned Government Pleader for the other respondents.

3. The learned counsel for the petitioner submits that, the dispute with regard to the lie and nature of the property concerned could be caused to be finalized by directing the 2nd

respondent to consider Ext.P1 and finalize the same with notice to all concerned.

4. The learned Standing Counsel for the Panchayath points out that, considering the nature of dispute involved, the Panchayath has already passed resolution on 27.5.2014 to request the 2nd respondent to cause measurement of the property and to fix the boundaries for pursuing further steps.

5. In the above circumstance, this writ petition is disposed of, directing the 2nd respondent to finalize the proceedings forming subject matter of Ext.P1, with notice to the petitioner, 1st respondent and also other interested parties, if any, which shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

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

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