

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 3902 of 2013 (K)

PETITIONER(S):

1. NALINI,W/O.VASU.K.K,
KANAKENCHERY HOUSE, WEST MANGAD.P.O.,
THRISSUR DISTRICT.
2. VASU.K.K., S/O.KUNJUMON,
KANAKENCHERY HOUSE, WEST MANGAD.P.O.,
THRISSUR DISTRICT.

**BY ADVS.SRI.YASH THOMAS MANNULLY
SRI.P.A.GIREESH KUMAR**

RESPONDENT(S):

1. PORKULAM GRAMA PANCHAYAT,
PORKULAM.P.O., VIA KUNNAMKULAM, THRISSUR DISTRICT,
PIN-680 542, REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY,
PORKULAM GRAMA PANCHAYAT, PORKULAM.P.O.,
VIA KUNNAMKULAM, THRISSUR DISTRICT, PIN-680 542.

R1 & R2 BY ADV. SRI.RAJIT

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.3902/2013

APPENDIX

PETITIONER(S) EXHIBITS

- P1- TRUE COPY OF THE BASIC TAX RECEIPT FOR LAND IN RESURVEY NO.18/5 OF MANGAD VILLAGE.**
- P2- TRUE COPY OF THE BUILDING TAX RECEIPT OF PORKULAM GRAMA PANCHAYAT FOR THE YEAR 2012-13.**
- P3- TRUE COPY OF NOTICE DATED 04.01.2013 ISSUED BY THE SECOND RESPONDENT.**
- P4- TRUE COPY OF THE REPLY DATED 25.01.2013 GIVEN BY SECOND PETITIONER.**
- P5- TRUE COPY OF THE REPLY DATED 30.01.2013 GIVEN BY THE FIRST PETITIONER.**

RESPONDENTS' EXHIBITS & ANNEXURES:

ANNEX (A): COPY OF THE REPORT OF THE TAHSILDAR ALONG WITH THE COPY OF THE SURVEY SKETCH CONDUCTED BY THE TALUK SURVEYOR.

/TRUE COPY/

P.A.TO.JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.3902 of 2013

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Dated this the 5th day of February, 2015

JUDGMENT

Alleging that the respondents are taking hasty steps to demolish the residential building and compound wall of the petitioners for the purpose of widening the road, the petitioners have come before this Court.

2. The petitioners are residents of Porkulam Grama Panchayat. They allege that the first petitioner owns 1.5 ares of land in Mangad village within in the local limits of the respondent panchayat. They further allege that the second petitioner who is bed ridden received a notice on 17.1.2013 issued by the second respondent stating that after re-fixing the survey subdivision boundaries of R.S Nos.88 and 89 of Mangad village, it is seen that the second petitioner has encroached upon the land belonging to the panchayat and directing to vacate the encroached land within 15 days.

3. The petitioners allege that no notice was given to them for re-fixing the boundaries and there was no demarcation done. The notice was issued arbitrarily without the assistance of the Taluk Surveyor. They further allege that they have submitted a reply dated 4.1.2013. However, the second respondent has proceeded with the action without considering the reply.

4. In the statement filed by the respondents, they stated that notice was given to the occupants of the property. On either side of the road, measurement was effected by the Taluk Surveyor on the basis of the approved plan. It is also stated that the petitioners have received the notice.

5. As the stand taken by the petitioners is that they were unaware of the measurements made by the respondent panchayat, further proceedings shall be only after satisfying the petitioners regarding the correctness of the measurements. The respondents shall fix a date for hearing on which date, the petitioners shall be

present. The respondents with the assistance of the Taluk Surveyor shall satisfy that the proceedings are initiated only for the removal of encroachment.

The writ petition is disposed of as above.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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