

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 1349 of 2015 (P)

PETITIONER:

ABOBACKER KUNJU, AGED 67 YEARS,
S/O.AHAMMED KANNU KANNATHI MAZIL KILLY,
KOLLODE P.O., KULATHUMMAL VILLAGE,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SARIN PANICKER

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO
THE GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. R.D.O. (SUB DIVISIONAL MAGISTRATE)
OFFICE OF THE R.D.O, COLLECTORATE,
THIRUVANANTHAPURAM 695 001
3. DIRECTOR OF PANCHAYATHS,
OFFICE OF DIRECTOR OF PANCHAYATHS,
MUSEUM, THIRUVANANTHAPURAM 695 001.
4. KATTAKKADA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KATTAKKADA PO
THIRUVANANTHAPURAM 695 010
5. MR. SUMESH,
CLERK, GRAMA PANCHAYATH, KATTAKKADA P.O.,
THIRUVANANTHAPURAM 695 010
6. DADINSABEEGAM,
C/O.MEERASA, THAZHAVILA VEEDU, KILLY,
KALLODE P.O. THIRUVANANTHAPURAM 695 501.
7. BIJU
THAZHAVILA VEEDU, KILLY
KALLODE P.O. THIRUVANANTHAPURAM 695 501

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8. BADARUDEEN

C/O. ALIYARU KUNJU, THAZHAVILA VEEDU, KILLY,
KALLODE P.O. THIRUVANANTHAPURAM 695 501.

9. BEENA A.S.

C/O.SHAHARBAN, THAZHAVILA VEEDU, KILLY
KALLODE P.O. THIRUVANANTHAPURAM 695 501.

R BY SMT. K.A. SANJEETHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 1349 of 2015 (P)

: 3 :

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 - THE TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DT.22-12-14.

EXT.P2 - THE TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT DT.22-12-14

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

rv

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 1349 of 2015 (P)

Dated this the 27th day of January, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the grievance of the petitioner is that on 18.12.2014, respondents 4 to 9 jointly trespassed upon the petitioner's property and cut away nine yielding rubber trees and one tamaniant tree standing on his property in survey No. 288/37 of Kulathummam village. According to the petitioner, there seems to have been an order from the 2nd respondent to cut off the trees belonging to the petitioner's son, rather than the petitioner's, but without affording any opportunity to the petitioner, the authorities have highhandedly cut away his trees. In that regard, the petitioner is said to have submitted Exts.P1 and P2 representations to respondents 1 and 3, inter alia, seeking compensation as well. Questioning the inaction on the part of the authorities in

considering the petitioner's representations, he has approached this Court.

3. The learned counsel for the petitioner has submitted that it will meet the ends of justice, if this Court gives a direction to the 3rd respondent to consider the petitioner's Ext.P2 representation expeditiously. The learned Government Pleader does not have any objection to it.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Government Pleader, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the third respondent to consider the petitioner's Ext.P2 representation in accordance with law, after affording an opportunity of hearing to the petitioner, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

