

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 1646 of 2015 (E)

PETITIONER(S):

1. SHAJI, S/O.CHACKO, AGED 44 YEARS,
RESIDING AT PATTAKUNNEL HOUSE,
SINGKANDAM P.O., CHINNAKKANAL VILLAGE,
UDUMBANCHOLA TALUK.
2. OMANAKUTTAN, RESIDIN AT KARIPPAYIL HOUSE,
SINGKANDAM P.O., CHINNAKKANAL VILLAGE,
UDUMBANCHOLA TALUK.
3. SALVINAYAN, S/O. PAILY, AGED 55 YEARS,
VADAKKAKKARAYIL HOUSE, SINGKANDAM P.O.,
CHINNAKKANAL VILLAGE, UDUMBANCHOLA TALUK.
4. SHAJAN, S/O. JOSEPH, AGED 35 YEARS,
RESIDING AT VADAKKEKKARAYIL HOUSE,
SINGKANDAM P.O., CHINNAKKANAL VILLAGE,
UDUMBANCHOLA TALUK.
5. THOMAS, UPPUKUZHYYIL HOUSE, SINGKANDAM P.O.,
CHINNAKKANAL VILLAGE, UDUMBANCHOLA TALUK.
6. THANKACHAN, S/O. MATHAI, AGED 51 YEARS,
RESIDING AT KUZHIMATTATHIL HOUSE,
SINGKANDAM P.O., CHINNAKKANAL VILLAGE,
UDUMBANCHOLA TALUK.
7. SUCHITHRAN, S/O.SREELADHARAN, AGED 55 YEARS,
RESIDING AT BANGLAW PARAMBIL, SINGKANDAM P.O.,
CHINNAKKANAL VILLAGE, UDUMBANCHOLA TALUK.
8. JESSY, W/O. REJI, AGED 40 YEARS,
RESIDING AT KALATHIPARAMBIL HOUSE,
SINGKANDAM P.O., CHINNAKKANAL VILLAGE,
UDUMBANCHOLA TALUK.
9. OMANA, W/O. KOCHU, AGED 50 YEARS,
RESIDING AT EATTIKKAL HOUSE,
SINGKANDAM P.O., CHINNAKKANAL VILLAGE,
UDUMBANCHOLA TALUK.

10. AYYAPPAN, RESIDING AT KALAMMALIKAYIL,
HOUSE NO. IX/621, SINGKANDAM P.O.,
CHINNAKKANAL VILLAGE, UDUMBANCHOLA TALUK.

BY ADV. SRI.N.M.VARGHESE

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
REVENUE (R) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR,
IDUKKI DISTRICT, COLLECTORATE,
KUYILIMALA, IDUKKI.
3. THE SUB COLLECTOR DEVIKULAM,
DEVIKULAM P.O, PIN - 685 613.
4. THE TAHSILDAR, UDUMBANCHOLA TALUK,
TALUK OFFICE, NEDUMKANDAM P.O.,
IDUKKI DISTRICT.

BY SPECIAL GOVT. PLEADER(REVENUE) SMT.SUSHEELA BHAT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

mbr/

WP(C).No. 1646 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - A PHOTOCOPY OF JUDGMENT DATED 01.9.2005 PASSED BY THIS
HONOURABLE COURT IN OP NO. 5904/02.**
- P2 - A PHOTOCOPY OF JUDGMENT OF THIS HONOURABLE COURT
PASSED IN WRIT APPEAL NO. 2346/2005 DATED 04.9.2007.**
- P3 - A PHOTOCOPY OF ORDER DATED 28.5.2013 PASSED BY THIS
HONOURABLE COURT IN CRL.M.C NO. 3012/2009.**
- P4 - A PHOTOCOPY OF PETITION DATED 26.6.2013 SUBMITTED BY THE
PETITIONERS BEFORE THE RESPONDENT SUB DIVISIONAL
MAGISTRATE.**

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. 1646 of 2015

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i. Call for the entire records from the respondents concerning the issue raised in the writ petition and Exhibits produced therein.

ii. Issue a writ of mandamus directing the 3rd respondent to consider and pass appropriate orders on Ext.P4 pending proceedings in M.C. No.1/1975 in accordance with law, after notice and hearing.

iii. Issue appropriate writ, order or direction against the respondents not to evict or dispossess the petitioners and families from their respective admitted abode during the pendency of the proceedings in M.C.No.1/1975 in the file of the 3rd respondent."

2. The learned counsel for the petitioner points out that, as per Ext.P3 order passed by this Court, the 3rd respondent was directed to consider the matter and finalize the proceedings in M.C.1/1975 as specified therein. Similarly, there was a direction as borne by Exts.P1 and P2 judgments, to hear the parties in the said proceedings as well, while considering the matter as

mentioned above. The learned counsel submits that, the petitioners herein are very much interested and connected with the issue pending consideration before the 3rd respondent and the prayer is only to afford an opportunity of hearing to the petitioners as well, before the finalization of the above proceedings.

3. Heard the learned Special Government Pleader for the Revenue.

4. After hearing both the sides, there will be a direction to the 3rd respondent to finalize the proceedings as above after giving an opportunity of hearing all the parties including the petitioners herein, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment. The writ petition is disposed of.

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

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