

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 1649 of 2015 (E)

PETITIONER(S):

1. S.PARVATHY AMMA, AGED 78 YEARS,
W/O.LATE THIRUVIYAN PILLAI, LEKSHMI NIVAS,
VAZHAPPALLY P.O., WARD NO.III, CHANGANACHERRY-3,
KOTTAYAM DISTRICT.
2. JAYALAKSHMI @ MANJU, AGED 41 YEARS,
D/O.S.PARVATHY AMMA, LEKSHMI NIVAS, VAZHAPPALLY P.O.,
WARD NO.III, CHANGANACHERRY-3, KOTTAYAM DISTRICT.

**BY ADVS.SRI.S.JAYAKRISHNAN
SRI.S.PARAMESWARA PRASAD**

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
IRRIGATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695 001.
2. THE CHEIF ENGINEER (IRRIGATION & ADMINISTRATION),
STATE OF KERALA, THIRUVANANTHAPURAM, PIN - 695 001.
3. THE EXECUTIVE ENGINEER,
PAMPA IRRIGATION PROJECT, I.T.I. JUNCTION, CHENGANUR,
PIN - 689 121.

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 1649 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE LAND TAX RECEIPT DATED 18.11.2014.

EXHIBIT-P2: TRUE COPY OF THE SURVEY SKETCH.

**EXHIBIT-P3: TRUE COPY FO THE REPRESENTATION DATED 05.01.2015 SUBMITTED
BY THE PETITIONERS BEFORE THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.1649 of 2015

Dated this the 28th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the 3rd respondent not to demolish the compound wall constructed over the slab across the Pampa Irrigation Project Canal laid with his consent;

ii. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the 3rd respondent to maintain the compound wall as it is in the circumstances where the petitioners have expressed their consent to execute a bond and to regularize the construction;

iii. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the 3rd respondent to consider and dispose of Exhibit P3 representation as early as possible after affording an opportunity f being heard;

And

iv. Issue such other order or direction as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

2. The learned counsel for the petitioners points out that the grievance of the petitioners projected in the writ petition has already been highlighted by way of Ext.P3 representation, which is pending consideration before the 3rd respondent. It is stated

that, the petitioners will be satisfied, if a direction to be given to the 3rd respondent, to have it considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 3rd respondent to pass appropriate orders on Ext.P3 preferred by the petitioners, after affording an opportunity of hearing to the petitioners and other interested parties, if any, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

'Status quo' shall be maintained till such time.

petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the 3rd respondent, for further steps.

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

sp