

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 4446 of 2013 (E)

PETITIONER:

K. CHANDRASEKHARAN PILLAI,
CHENAKKARA VEEDU, MEKKADU,
CHAVARA, KOLLAM DISRICT.

BY ADV. SRI.PRATHEESH.P

RESPONDENT(S):

1. DISTRICT COLLECTOR, COLLECTORATE,
CIVIL STATION, KOLLAM-691 013.
2. TSUNAMI SPECIAL OFFICER,
COLLECTORATE, KOLLAM-691013.
3. TAHSILDAR, KARUNAGAPALLY TALUK,
KOLLAM - 691 506.

*ADDL. R4 IMPEADED

4. THE SECRETARY,
CHAVARA GRAMA PANCHAYTH,
CHAVARA.P.O., KOLLAM DISTRICT - 691 583.

ADDL. R4 IS IMPEADED AS PER ORDER
DATED 08-06-2015 IN IA.4453/2013

R1 TO R3 BY GOVT. PLEADER SRI.BIJU MEENATTOOR
ADDL.R4 BY ADVS. SRI.T.B.HOOD
SMT.M.ISHA
SRI.K.P.JABBAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

APPENDIX

PETITIONER(S) EXHIBITS:

- EXHIBIT P1: THE COPY OF THE TAX RECEIPT ISSUED IN THE NAME OF THE PETITIONER DATED 25.6.2012 BY THE CHAVARA VILLAGE OFFICER.
- EXHIBIT P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 1ST RESPONDENT DATED 27.1.2010.
- EXHIBIT P3: THE COPY OF THE ORDER NO.LA3-39985/09 DATED 4.2.2011 PASSED BY THE 1ST RESPONDENT.
- EXHIBIT P4: THE COPY OF THE LETTER NO.TRP 7550/2010(1) DATED 11.1.2012 TO THE SECRETARY, CHAVARA GRAMA PANCHAYATH.
- EXHIBIT P5: THE COPY OF THE REPLY NO. TRP 70318/2011 DATED 22.10.2012 TO THE COUNSEL OF THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J.

W.P.(C) No. 4446 of 2013 (E)

Dated this the 8th day of June, 2015

J U D G M E N T

The petitioner alleges that there was an oral agreement made by the 1st respondent when a portion of the petitioner's property was used as pathway for carrying on construction of certain flats by the 2nd respondent. The petitioner contends that, despite the construction being over, the petitioner was not permitted to construct a compound wall in his property, as was promised by the 1st respondent. The petitioner had also, as early as in 2012, issued a notice under section 80 of the C.P.C. But however, no suit is seen to have been filed.

2. The petitioner submits that no suit was filed since it was only an oral agreement. The petitioner could definitely, on the basis of the title deed, establish right over the property and in that context the present users of the property also may have to be impleaded. But those are

matters which could best be agitated in a properly instituted suit and not in a petition under Article 226 of the Constitution of India.

The Writ Petition would stand dismissed, reserving such liberty.

Sd/-
K.VINOD CHANDRAN,
JUDGE