

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 2610 of 2015 (A)

PETITIONER :

**RAVIKUMAR, AGED 46 YEARS,
S/O.MADHAVAN PILLAI, MADHAVA VILASAM EDAVATTOMCHERRY
CHIRACKARA P.O., CHIRACKARA VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPT. OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR, KOLLAM - 691 001.**
- 3. THE VILLAGE OFFICER, MEENADU VILLAGE, CHATHANNOOR,
KOLLAM DISTRICT - 691 001.**
- 4. THE EXECUTIVE ENGINEER
PWD (ROADS AND BRIDGES)
OFFICE OF THE EXECUTIVE ENGINEER
PWD (ROADS AND BRIDGES), DIVISIONAL OFFICE,
BEACH ROAD, KOLLAM - 691 001.**
- 5. THE ASSISTANT ENGINEER
PWD (ROADS AND BRIDGES) SECTION OFFICE,
CHATHANNOOR P.O., KOLLAM - 691 001.**
- 6. THE SUB INSPECTOR OF POLICE,
CHATHANNOOR POLICE STATION, KOLLAM DISTRICT-691 001.**
- 7. THE ASSISTANT COMMISSIONER OF POLICE,
CHATHANNOOR, KOLLAM DISTRICT 691 001.**
- 8. THE CITY POLICE CHIEF,
KOLLAM CITY - 691 001.**

WP(C).No. 2610 of 2015 (A)

**9. THE REGISTRAR OF CHARITABLE SOCIETIES,
OFFICE OF THE DISTRICT REGISTRAR, NEAR CIVILSTATION,
KOLLAM - 691 001.**

**10. THE PALAMOODU
ARTS AND SPORTS CLUB CUM READING ROOM,
PALAMOODU, CHATHANNOOR P.O., KOLLAM DISTRICT
REPRESENTED BY ITS SECRETARY - 691 001.**

**R1 TO R9 BY GOVERNMENT PLEADER SRI. K.C. VINCENT
R10 BY ADV. SRI.AJAYA KUMAR. G.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P-1: TRUE COPY OF LAND TAX RECEIPT IN RESPECT OF PETITIONERS
PROPERTY.**

**EXT.P-2: TRUE COPY THE RECEIPT ISSUED FROM THE OFFICE OF THE 8TH
RESPONDENT DTD 12.1.15.**

**EXT.P-3: TRUE COPY THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE
THE 2ND RESPONDENT DISTRICT COLLECTOR DTD 12.1.15.**

**EXT.P-4: A TRUE COPY OF THE SAID REPRESENTATION SO SUBMITTED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT PWD EXECUTIVE ENGINEER,
KOLLAM DTD 12.1.15**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.2610 of 2015

Dated this the 9th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"(i) Declare that the petitioner has a right to use the road margin to all the portions of his property located behind the same for his ingress and egress to the property including vehicular conveyance and also that nobody has any manner of right to make any construction or cause any blockade in any road margin so as to operate as a hurdle against such ingress and egress to and from the property located just behind it and causing loss of road frontage to the said property.

(ii) Issue a writ of mandamus order or direction directing respondents 3,4,6&8 to demolish the structure constructed in the road margin in front of petitioner's property covered by Ext.P1.

(iii) Issue a writ of mandamus, direction or order directing the 9th respondent to cancel the registration of the 10th respondent since the 10th respondent is involved in illegal activities.

(iv) Grant any other appropriate relief considering the nature and circumstances of the case.

(v) Grant the cost of this writ petition."

2. Despite the completion of service of notice, the 10th respondent has not chosen to appear before this Court.

3. The learned counsel for the petitioner submits that, in spite of pointing out the encroachment made by the 10th

respondent, no proper action has been taken by the 2nd respondent or the 4th respondent, before whom Exts.P3 and P4 are pending.

4. Heard the learned Government Pleader as well, who submits on instructions from the authorities of the PWD that, the construction effected by the 10th respondent is beyond the width of the PWD road, adding that whether there is any actual encroachment into the road margin or the property belonging to the Government, it is a matter to be verified further.

5. In the above circumstances, the 2nd respondent is directed to consider and pass appropriate orders on Ext.P3 in accordance with law, after affording an opportunity of hearing to the petitioner, the authorities of the PWD and also the 10th respondent. The proceedings as above shall be finalised at the earliest, at any rate, within a period of 'two months' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further

steps.

The writ petition is disposed of.

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

sp